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ABSTRACT

Intended to stimulate improvements in shared governance in the California Community Colleges, this report outlines the evolution and current structures of shared governance at the local and system levels and provides recommendations for change to better serve the public interest. Following a preface, chapter 1 describes the evolution of shared governance at the local level from 1907 to 1994, highlighting the movement from the broad governance originally allowed local districts to the current bilateral and legalistic governance model granting power to the State Legislature. Chapter 2 provides an analysis of shared governance at the local level, indicating that it has resulted in improvements in the nature and quality of educational decision-making but has also led to counterproductive competition for power and resources among institutions. Chapter 3 summarizes the evolution of shared governance at the systemwide level, examining the creation and transformations of the role of the Board of Governors and Chancellor's Office. Chapter 4 analyzes the effectiveness of shared governance systemwide, highlighting strengths of the current structure, related to fact that institutional participation in policy-making is more formalized, broad-based, open and effective, and weaknesses related to the competition among institutions. Finally, chapter 5 provides recommendations for improving shared governance related to instituting a code of ethics, implementing multi-institutional councils, and giving districts the authority to create additional revenue. The proposed code of ethics is appended. (TGI)

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EVOLVING COMMUNITY COLLEGE SHARED GOVERNANCE TO BETTER SERVE THE PUBLIC INTEREST

BY

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JANUARY, 1995

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EVOLVING COMMUNITY COLLEGE SHARED GOVERNANCE TO BETTER SERVE THE PUBLIC INTEREST

Preface

This monograph is intended to stimulate improvements in shared governance in the community colleges, both at the local and systemwide levels. While community college boards and their administrative staffs have governed since the inception of our colleges, it has only been during the last two decades--and particularly during the last five years--that faculty, staff, students, and their respective organizations have become meaningfully involved in this effort. AB 1725 (1988) mandated a number of important reforms in shared governance; and in a few short years governing boards have raised both the level of involvement as well as the quality of their decisions. At the same time, a number of negative tendencies have increasingly surfaced; and these tendencies are beginning to threaten the success of our efforts as well as our responsiveness to the mission we are charged with carrying out.

It is both appropriate and timely that we assess the manner in which the colleges and the system have been directed and have chosen to implement shared governance. California needs the most responsive community college system possible. Our colleges must play a pivotal role in helping California become a successful multicultural democracy, and we must play a pivotal role in helping restructure and restore California's economy. Fundamentally, we need to examine whether our approach to shared governance and the manner in which we are implementing it is helping us carry out our mission and serve the broad public interest. Are we operating in such a manner that we are pursuing a college, district, and system vision about how to best serve our students, our communities, and our state? If these mechanisms aren't enabling us as institutions and as a system to focus our primary attention and energy on these challenges, then it is both our ethical and professional duty to evolve mechanisms that will so enable us.

This monograph is composed of five chapters. The first four chapters outline the evolution and current structures of shared governance at the local and system levels, describing strengths and weaknesses. The final chapter makes recommendations for change that will result in shared governance structures that better assist and enable the participants to collectively serve the greater public interest.

CHAPTER ONE

THE EVOLUTION OF SHARED GOVERNANCE AT THE LOCAL LEVEL

A. Early Years--1907-1975

In the American system of federalism, education is a function left largely to the states. In California, the State Constitution charges the Legislature with the primary responsibility to establish a public school system (see Article IX, Section 1). As early as 1851, the Legislature acted to meet this responsibility by creating a highly decentralized and flexible structure for delivering pubic education (see Chapter 126, Statutes of 1851). Essentially, the early actions of the Legislature entrusted the responsibility for establishing and running the schools to local school districts and locally elected trustees. The Legislature did very little to dictate the manner in which these schools were to be run or how the elected public officials were to exercise their power. The trustees were given broad power not only to establish schools, but also to generate the revenue (through taxing authority) to operate them. As local governmental agencies, governing boards operated in response to the general public; however, there were no formal mechanisms or mandates requiring these boards to involve their staff and students in the exercise of their authority.

The first statutory authorization for what has become community college education was enacted in 1907 (Chapter 69, Statutes of 1907), when the Legislature authorized high schools to offer postgraduate courses of study which were to approximate the studies prescribed in the first two years of college. By 1921, the Legislature provided for the organization of separate junior college districts (Chapter 495, Statutes of 1921).

Because of their genesis through the K-12 system, the junior colleges had very little in the way of shared governance in the early years. Governing boards started with broad power, including the power to tax, and there were few limits on these powers. Boards operated in response to the general public (the electorate), and within the parameters of a relatively small body of statutes enacted by the Legislature. The extent to which faculty, staff, and students were involved in governance was thus a matter within the discretion of the governing board.

Over time, the *Legislature itself* stepped in to protect interests of employees and students that might otherwise have been addressed through shared governance. For example, teacher's retirement provisions were adopted in 1913 (Chapter 694, Statutes of 1913), layoff restrictions were adopted in 1917 (Chapter 552, Statutes of 1917), and tenure provisions were adopted in 1921 (Chapter 878, Statutes of 1921).

Later, numerous provisions were added to control the setting of pay, vacation, leave, evaluation, dismissal, work hours, and other matters. By 1941 (Chapter 1088, Statutes of 1941), the Legislature added provisions enabling student associations to be formed, and encouraged such associations to participate in college governance (see Education Code Section 76060). During the 1960's and early 1970's, both the Legislature and federal government adopted laws to ensure service to certain student populations and to protect certain student rights. For example, the Miller-Unruh Basic Reading Act was adopted in 1965 (Chapter 1233, Statutes of 1965), Extended Opportunity Programs and Services (EOPS) was established in 1969 (Chapter 1579, Statutes of 1969), the Rehabilitation Act (Section 504) was adopted by Congress in 1973, and the Buckley Amendment regarding student records was adopted in 1974.

The first major legislatively-prescribed shared governance mechanism for employees came with the enactment of the Winton Act in 1965 (Chapter 2041, Statutes of 1965). Adopted for the purpose of improving personnel management and employer-employee relations in the schools and colleges, the Winton Act allowed for employees to join and be represented by organizations of their choice. More than one organization could represent a group of employees, and individual employees could decide to represent themselves. The scope of representation included, "all matters relating to employment conditions and employer-employee relations, including but not limited to wages, hours and other terms and conditions of employment." The responsibility of the school or college district was to "meet and confer" with representatives of employee organizations. Under this obligation to "meet and confer" governing boards were bound to freely exchange information and proposals, and they were bound to make a conscientious effort to reach agreement; however, governing boards retained the ultimate legal authority to make the final decisions with regard to all matters.

B. Collective Bargaining--1975

Up until 1975, community college governing boards had relatively unfettered authority in carrying out their statutory responsibilities. While there was a growing body of statute which dictated how governing boards were to employ their staff and serve their students, governing boards could control the amount of revenue they needed to carry out their responsibilities. The Winton Act provided for the participation of various employee groups in employer-employee relations; however, there were no statutes which conditioned a governing board's ability to act on obtaining the agreement of specific internal constituencies. Outside of public meeting laws, governing boards were not highly controlled in terms of involving the general public in district and college governance. With this relatively unfettered authority, and with revenue control, district governing boards were able to act quickly and independently. As a result, community colleges sprung up rapidly to meet the demand imposed by changing demographics. Indeed, some chief executive officers and their governing boards were characterized as running "fiefdoms"–because they had tax rate control, because they weren't constrained to obtain the agreement or involvement of internal constituencies in running the district, and because they could choose to ignore the input of their employees and employee organizations in determining employment policies and pay.

In other higher education systems, including the University of California and the California State University, it is common for the faculty and students to have roles in institutional governance. Typically, these "collegial" structures evolve so that governing boards establish policies to rely on faculty to make certain recommendations and carry out certain functions. Typically, these structures also provide for the involvement and participation of students. Empowerment comes via policy of the governing board, not the Legislature; and most policies preserve the governing board's ultimate authority to act in the event it cannot accept the recommendation of faculty.

Because California community colleges evolved from the K-14 structure, the higher education models were not applied. Instead, the general attitude was to view the community colleges as K-12 schools, with the Legislature maintaining specific control. If the Legislature saw something that employees or students needed, it simply enacted a statute. It didn't waste its time setting up local shared governance structures; and it didn't simply abide patiently and expect local governing boards to adopt their own traditions and practices of collegial governance.

By 1975, a growing number of governing boards, administrators, and employee groups had become dissatisfied with the Winton Act. Many matters weren't being satisfactorily resolved through the "meet and confer" mechanism. Employee organizations were challenging governing board decisions in the courts, and, while sometimes winning, were also creating great litigation expense. Senator Al Rodda, Chair of the Senate Education Committee, introduced a bill (SB 160) to create a formal collective bargaining process to address this growing dissatisfaction. Originally, community colleges were not included in the legislation; however, because their governance structures were so akin to K-12 schools, and because community college faculty lacked the broad governance authority that faculty in the higher education segments enjoyed, the Legislature decided to include the community colleges in the bill. Union interests were initially lukewarm towards SB 160 because they wanted an even stronger collective bargaining bill that covered all public employees. Ultimately they determined that continuing under the Winton Act would do little to increase the authority of faculty in employment matters and school and college governance. For different reasons, then, most of the local constituencies came to accept the need for the Legislature to externally impose a specific process that required negotiation in good faith and mutual agreement.

The Education Employment Relations Act was enacted in 1975 (Chapter 961, Statutes of 1975), and became operative on July 1, 1976. The Act recognized the right of public school employees to join organizations of their own choice, the right to

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be represented by such an organization in their professional and employment relationships with public school employers, the right to select one employee organization as the exclusive representative of the employees in an appropriate unit, and the right of certificated employees to have a voice in the formation of educational policy. The law requires public school employers (governing boards) to "meet and negotiate" with exclusive representatives on matters within the scope of representation. If agreement cannot be reached, there are provisions for mediation and impasse, with the matter ultimately going to the Public Employment Relations Board.

With collective bargaining, negotiations over salary and other terms and conditions of employment were changed dramatically in both process and tenor. Under the Winton Act, the district governing board had the obligation to "meet and confer" with the employee groups, but the board had the final say in setting salaries and other terms and conditions of employment. With collective bargaining, mutual agreement with the exclusive representative is necessary; otherwise resolution of the dispute must proceed through an elaborate legal framework. If the public school employer is found not to have negotiated in good faith, or if it has committed an unlawful employment practice, legal remedies are provided for the exclusive representative and the bargaining process.

In terms of shared governance, the advent of collective bargaining was a watershed event. Governing boards were not only required to involve an internal constituency (their employees), but also, for the first time, to share their authority to act. Under collective bargaining, the governing board essentially had to have the agreement of the appropriate exclusive representative before it could act on matters within the scope of bargaining. If agreement was not reached and a governing board acted, an elaborate set of external dispute resolution procedures was made available to test the legality of the governing board's action.

Collective bargaining also profoundly affected shared governance by moving it in the direction of a legalistic and bilateral process. Under prior law there was not just one employee group (exclusive representative) that represented each group of employees. With collective bargaining, employees were divided into appropriate units, with the predominant units being certificated faculty and non management classified employees. As to matters within the scope of bargaining, governing boards could only meet and negotiate with the exclusive representative of the appropriate unit. Thus, there commonly emerged separate and formal bilateral negotiations with each of the exclusive representatives.

C. Student Trustees--1977

In 1977, the Legislature required governing boards to establish a seat for a nonvoting student trustee (Chapter 1184, Statutes of 1977). In 1984, this requirement was extended to authorize boards to give students the right to make and second motions, and the right to be compensated. Thus, by 1984, the Legislature had acted to further involve students in district governing boards by requiring such boards to enlarge their membership to include a nonvoting student member.

The advent of the student trustee did not significantly affect the evolution of shared governance in the community colleges. Since students were nonvoting, and since their role could be enlarged only at the discretion of the governing board, the change simply had the effect of helping the voice of the students to be heard. In contrast to collective bargaining, the addition of the student representative did not require governing boards to share authority or to engage in separate bilateral negotiations.

D. Proposition 13--1978

In 1978, the California electorate passed Proposition 13, a property tax cutting measure that has had a profound effect on community college governance. Up until Proposition 13, district governing boards could raise additional revenue by levying property taxes within certain legislatively-prescribed limits. In addition, governing boards could levy certain "permissive" taxes. With Proposition 13, local governing boards essentially lost the ability to levy these taxes, and thus lost the ability to control the amount of revenue they needed to accomplish their mission.

In terms of governance, Proposition 13 thus had a very "disempowering" effect. With their own revenue-raising ability, district governing boards had the ability to secure the additional resources they needed to meet the expectations of their communities and the State. After Proposition 13, the expectations remained, but the additional revenue-raising capacity was eliminated. At present, the amount of revenue a district has from one year to another is almost entirely dependent on statutory formulas and year-to-year actions by the Legislature and Governor. The necessary consequence is that governing boards are forced to constrict an educational program to fit the dollars available, rather than being more fully responsive to their mission.

E. AB 1725--1988

In 1988, the Legislature enacted AB 1725 (Chapter 973, Statutes of 1988), a reform measure with a number of components, some of which profoundly affected the direction of shared governance in the system. At issue for the Legislature was how to frame the responsibilities of local boards as well as the Board of Governors in implementing mechanisms for shared governance at the local and State level. The Board of Governors as well as most trustee and administrative groups argued that a traditional approach of collegiality in higher education ought to be applied. Under this approach, the Legislature would remain relatively silent on the particular shared governance mechanisms, and would simply direct the local boards and the Board of Governors to implement policies that provided for the participation of faculty, staff, and students. The Academic Senate (the systemwide body representing local senates) and other faculty groups argued that the traditional collegial approach was not enough in itself. They argued that many governing boards and administrators had been ignoring their academic senates–rejecting their work and recommendations at whim. Other districts were not allowing senates to fulfill policymaking roles that were appropriate for higher education faculty.

After much debate and controversy, most of the community college organizations and interests working on AB 1725 compromised for a policy which provided for the traditional collegial approach in general, but which had specific directives regarding the role of academic senates. In a few instances, the Legislature created shared governance roles for the academic senate that borrowed from and were parallel to those provided in the collective bargaining process. Here the Legislature went beyond the traditional collegial approach and required governing boards and academic senates to jointly agree on certain policies before they could be adopted by the governing board.

As to the basic mandate to implement a traditional collegial approach, the Legislature required the Board of Governors to adopt:

> "[m]ininum standards governing procedures established by governing boards of community college districts to ensure faculty, staff, and students the right to participate effectively in district and college governance, and the opportunity to express their opinions at the campus level, and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards." (Education Code Section 70901(b)(1)(E)).

AB 1725 then went on to directly require governing boards to adopt procedures to ensure that faculty, staff, and students could participate effectively in district and college governance (Education Code Section 70902 (b)(7)).

As noted, there are other provisions of AB 1725 that are expressly aimed at strengthening the role of local academic senates by empowering them in a manner similar to the collective bargaining approach. On matters of hiring criteria for new faculty, retreat rights for administrators, and equivalency processes for determining instructor qualifications, policies are to be **developed and agreed upon jointly** by representatives of the academic senate and the governing board, and approved by the governing board (see Education Code Sections 87360, 87458, and 87359). In these instances, governing boards essentially cannot act on these policies without the agreement of their local senates. The Legislature (an external entity) has empowered academic senates much like it had empowered the exclusive representatives in the bargaining process. The matter was not simply entrusted to shared governance policies that might be adopted by governing boards; instead, the role and process was fixed by statute.

To provide the Board of Governors additional direction regarding the overall thrust to strengthen the role of academic senates, the Legislature also directed the Board, by January 1, 1990, to:

> "Develop policies and guidelines for strengthening the role of the academic senate with regard to the determination and administration of academic and professional standards, course approval and curricula, and other academic matters." (see Section 61 of AB 1725).

In 1990, the Board of Governors adopted a set of regulations (see Title 5 of the California Code of Regulations, Sections 53200-53204) that required district governing boards to adopt policies for the appropriate delegation of authority to its college and/or district academic senate. A key issue in the development of these regulations was whether the Board's regulations should reflect the more traditional collegial approach, or whether the regulations should reflect the statutes which specifically empowered the academic senates and others. After much controversy, the end result was a blend of both approaches, a blend which more strongly reflects the statutory empowerment model.

Among other matters, the Board regulations require that local policies, at a minimum, are to provide that the governing board or its designees will "consult collegially" with the academic senate when adopting policies and procedures on "academic and professional matters." In terms of "consulting collegially", the regulation requires that the governing board choose either or both of the following, according to its own discretion:
(1) Rely primarily on the advice and judgment of the academic senate; or
(2) Reach mutual agreement with the academic senate

As to what constitutes "academic and professional matters" the regulation (Section 53200) provides:

> "Academic and professional matters means the following policy development and implementation matters:
> (1) Curriculum, including establishing prerequisites and placing courses within disciplines
> (2) Degree and certificate requirements
> (3) Grading policies
> (4) Educational program development
> (5) Standards or policies regarding student preparation and success
> (6) District and college governance structures, as related to faculty roles
> (7) Faculty roles and involvement in the accreditation processes, including

self study and annual reports
(8) Policies for faculty professional development activities
(9) Processes for program review
(10) Processes for institutional planning and budget development, and
(11) Other academic and professional matters as mutually agreed upon between the governing board and the academic senate."

In response to the "student" and "staff" aspects of the Legislature's mandate to establish procedures for participation in governance, the Board of Governors adopted regulations in 1991. In general, these regulations implement a traditional collegial approach rather than a bilateral empowerment model. District governing boards are essentially obligated to provide these constituencies an opportunity for participation and involvement, and are generally prohibited from acting unless there has been such an opportunity; however, there is no obligation to reach mutual agreement before a governing board can act. Specifically, Section 51023.7 of Title 5 essentially requires governing boards to provide students with the opportunity to participate in the formulation and development of district and college policies and procedures that have or will have a "significant effect on students." Absent unforeseeable emergency conditions, governing boards cannot take action on a matter having a significant effect on students until it has provided the students with an opportunity to participate in the formulation of the policy. The regulation goes on to list the kinds of matters that will have a significant effect on students, including: grading policies, codes of student conduct, academic disciplinary policies, curriculum development, courses or programs which should be initiated or discontinued, student fees, etc.

Section 51023.5 of Title 5 essentially requires governing boards to define the categories of "staff" (other than faculty) that exist in the district, and to develop participation structures for each of these categories of staff. In general, staff must be provided with an opportunity to participate in the formulation and development of district and college policies and procedures that have a significant effect on staff. Absent unforeseeable emergency conditions, governing boards cannot take action on a matter having a significant effect on staff until it has provided the staff an opportunity to participate in the formulation of the policy.

The fact that first the Legislature and then the Board of Governors treated the shared governance role of academic senates differently than that of students or staff is not surprising when one considers the history of AB 1725. Most of the language of the reforms was specifically negotiated and agreed upon by a group of community college organizations ("the Californians") before it was amended into the bill. Representatives for the Academic Senate insisted that their governance roles had to be explicit, particularly in order to distinguish appropriate academic senate roles from appropriate collective bargaining (union) roles. Also, representatives of the Academic Senate expressed concerns that some governing boards and administrators had been ignoring their local senates, and therefore the statutes had to have some teeth. To resolve these concerns the parties working on the bill language agreed that some parallels to the collective bargaining process could be applied. Thus, when it came to certain employment matters (equivalency processes for minimum qualifications, retreat rights for administrators, and hiring criteria for new faculty) the statutes not only had to specifically identify the academic senate, but governing boards had to reach mutual agreement with the senate or rely primarily on its judgment. In this manner, like collective bargaining, governing boards could not unilaterally establish policy. Also, when it came to an "academic and professional matter", such a matter was the province of the senate (as opposed to the union), and a governing board was no longer able to ignore the role of the senate

AB 1725 thus had a profound effect on shared governance because it went considerably beyond the traditional collegial approach of requiring local boards to adopt policies and procedures to ensure that faculty, staff, and students could participate effectively in district and college governance. Certain statutes, as well as the regulations of the Board of Governors, created externally-imposed requirements for governing boards to reach joint agreement or rely primarily on one group's advice and judgment. Because the statutes individually identified each of these internal constituencies, and because the statutes assign a different and more powerful role to the academic senates, the Board of Governors understandably responded by developing separate regulations for the participation of each constituency.

In turn, the actions of the Legislature and the Board of Governors have led most districts to separately empower each of these constituencies. Typically, district administrators work with representatives of the academic senate to develop procedures for the academic senate's role, work with representatives of the students to develop the student's role, and work with representatives of the various "staff" organizations (usually classified staff) to develop the role of staff. In each of these instances, and particularly with the academic senates, the procedures have been developed through a bilateral negotiation process. Each constituency has understandably tried to maximize its role in district and college governance.

F. A Current (1994) Snapshot of Shared Governance Mechanisms

Given the almost 90 years of historical evolution, it is helpful to summarize with snapshot of typical shared governance mechanisms that exist in our colleges as of 1994. At the outset it must be acknowledged that the descriptions that follow do not fit all districts. Also, while the descriptions might be accurate for a district at one time, they could become inaccurate short time later. What we do know about shared governance in the community colleges is that no two districts are the same and that shared governance is always evolving. Despite these caveats, the snapshot of current mechanisms is both valid and useful in understanding the current status of shared governance in our colleges.

At a typical single college district there are at least five or six shared governance mechanisms in concurrent operation. These mechanisms, and the issues they commonly address are as follows:

1. Collective Bargaining--Faculty: Under collective bargaining laws, faculty have the option of organizing into an appropriate unit(s) and being represented by an exclusive representative. Faculty have exercised this option in 65 of the 71 community college districts. In most districts with collective bargaining, full-time and part-time faculty are part of the same unit. In some districts, part-time faculty are not represented; and in an even smaller number of districts, full-time and part-time faculty comprise separate units. Once formed, a unit typically establishes a constitution and by-laws, elects officers (which serves as an executive committee) and conducts regular meetings (usually monthly). The unit provides direction to its representatives, who meet with designees of the governing board (usually college administrators and/or an external person brought in to negotiate) to develop the collective bargaining agreements. In representing the employees within the unit, the representatives must continually interact with the union leadership as well as the rank and file membership. Before collective bargaining agreements become binding they must, unless there has been a legal delegation of authority, be ratified by a majority vote of the members of the unit as well as by a majority vote of the district governing board.

The focus of negotiations in this governance mechanism is by definition narrow. The scope of bargaining does not relate to all employees--but rather the faculty who comprise the unit; and the scope of negotiations is not over the whole educational enterprise, but rather over "wages, hours or employment, and other terms and conditions of employment" for faculty in the unit. Items regularly discussed include salaries, hours of employment, health and welfare benefits, leave, transfer and reassignment, safety conditions, class size, evaluation procedures, organizational security, and grievance procedures.

Typically, bargaining activity goes in cycles, with new agreements being negotiated every three years. When negotiations are underway, the exclusive representative has frequent meetings with the rank and file so as to develop its positions or so as to test receptiveness to matters being discussed with the representatives of the governing board. Typical matters that occupy the discussions of these meetings include: what to ask for/demand in terms of a salary increase, what to ask for/demand in terms of health and welfare benefits, whether the district has the money, whether the district is being honest and open about the resources available, whether demands should be made regarding the disparate and second-class treatment of part-time faculty, and whether management is spending too much money on itself and its pet projects.

2. Collective Bargaining--Classified Employees: Under collective bargaining laws, most classified employees have the option of organizing into an appropriate unit and being represented by an exclusive representative. Classified staff have exercised this option in almost all community college districts.

The prior discussion on collective bargaining activity for faculty is generally applicable to collective bargaining activity for classified employees. It is important to note that there is a whole separate set of negotiations regarding bargaining agreements for classified employees. Wages, hours of employment, health and welfare benefits, safety conditions, evaluation procedures, and all other matters within the scope of bargaining are separately negotiated and agreed to by the classified employees. Again, the rank and file must ratify an agreement before it can become legally binding.

Like bargaining with faculty, bargaining with classified employees goes in cycles. In the frequent meetings between the exclusive representative and the rank and file during negotiations, typical matters that occupy discussions include: what to ask for/demand in terms of a salary increase, what to ask for/demand in terms of health and welfare benefits, whether the district is providing disparate and second-class treatment to its classified employees, whether the district has the money, whether the district is being honest and open about the resources available, and whether classified staff is being disproportionately reduced during difficult budgetary times.

The union for classified employees also sometimes becomes empowered to participate on a broader range of issues as the district responds to regulations of the Board of Governors (Title 5, Section 51023.5) requiring the establishment of policies to ensure that "staff" can effectively participate in district and college governance. As previously noted, governing boards cannot act on matters having a "significant effect on staff" unless "staff" has had the opportunity to participate in the development of the particular policy. While some districts have classified senates (see below) which participate in district and college policymaking and governance, others simply rely on their classified unions to name appointees to district/college committees, review polices, and otherwise participate in shared governance.

3. Classified Senate: Classified employees in at least 57 colleges have formed classified senates to enable this staff to participate in district and college governance. The notion has been that collective bargaining framework is not the appropriate arena into which to bring shared governance and the broad spectrum of policies involved in running a college.

Again, the basic requirement is that before a governing board can act on a policy that significantly affects "staff" it must provide staff with an opportunity to participate in the development of the policy.

Typical issues that occupy the agendas and discussions of classified senates include: assuring that the district and college recognize and honor the appropriate role of the classified senate; participation of classified senate representatives on district and college committees (particularly hiring, planning, and budgeting committees); and release time for classified employees to participate in shared governance.

4. Academic Senate: Regulations of the Board of Governors provide for the formation of local academic senates through the secret ballot vote of full-time faculty (Title 5, Section 53202). All colleges have acted to form such senates. Once formed, the academic senate represents the faculty in making recommendations on "academic and professional matters." As previously discussed, certain statutes require governing boards to reach mutual agreement with the local senate in establishing certain policies. Regulations of the Board of Governors require the governing board, through its administration, to "consult collegially" with the academic senate in establishing policy on academic and professional matters. Consulting collegially effectively means the governing board must either "rely primarily" on the senate's advice and judgment, or that there must be mutual agreement regarding the policy.

To carry out these critical governance and institutional roles, each senate establishes a constitution and by laws. These constitutions and by laws typically provide for the election of officers, the formation of committees, the conduct of meetings, and the taking of action. As a general rule, a local senate acts only upon the majority vote of its members. The officers and committee chairs of a local senate often function as an "executive committee" that helps the senate establish its agenda and priorities, helps carry out senate business between meetings, and helps shape items for consideration by the full senate.

During recent years, typical matters that have occupied the agendas and discussions of local senates include: insuring that the administration and governing board act to establish policies for and honor shared governance roles of the academic senate; reaching agreement with the administration regarding policies for hiring full-time faculty, administrator retreat rights, and equivalencies for minimum qualifications; ensuring that the college develops and carries out a student equity plan; ensuring that the college complies with law in maintaining its full-time/part-time ratio; reviewing and approving curriculum; and seeking more release time so faculty members can carry out shared governance roles at both the local and systemwide levels.

5. Student Association: Statutes (Education Code Sections 76060 et.seq) provide that governing boards may authorize students to organize one or more student body associations to participate in the governance of the college and to conduct various activities. Virtually all colleges have acted to establish student body associations. The operation of these associations is governed by constitutions and bylaws adopted by the students. Under such constitutions and by laws, the students typically elect officers and/or various commissioners, and conduct regular meetings. Usually there is some sort of executive committee which oversees the operation of the association. Except for one regulation of the Board of Governors (Title 5, Section 51023.7), there are no laws which dictate the kinds of governance activities and roles in which students must be involved. Under the Board regulations, student body associations are recognized as the representative of students; also, governing boards are prevented from acting on policies that have a "significant effect on students" until students have had an opportunity to participate in the development of the policy.

During recent years, typical matters that have occupied the agendas and discussions of student associations include: funding for student association and student government activities (including bookstores and food services); funding for student facilities and equipment; student parking; student fees; participation of students on district/college committees (particularly hiring, budgeting, planning, and curriculum committees); student evaluation of faculty; student clubs; campus climate; student equity; and participation on student governance activities at the systemwide level.

6. Collegewide Council: Many districts have formed multi-party councils (also called a "Coordinating Council," "College Advisory Council," "College Leaders Group," or a "President's Council") to assist in the review and development of policy. Typically, the membership consists of representatives of the faculty union, classified union, academic senate, student government, classified senate, and selected administrative staff. The scope of review, processing of items, and authority of such councils varies widely from district to district. Typically, the council will provide advice regarding process (how a given policy should be developed) as well as final review before an item is presented to the local board for action. At minimum, the collegewide council is a place where the diverse interests and points of view existing within the campus community can be expressed. It is a place where all key parties of interest in a given policy can attempt to resolve differences, as well as build communication and understanding.

7. Other: There are a host of other committees, or groups that carry out shared governance functions. Typically, districts and colleges have committees for curriculum, staff development, health and safety, budget, planning, affirmative action, and communications. Also, separate advisory committees are required for matriculation, transfer centers, student equity, Disabled Students Programs and Services (DSPS), Extended Opportunity Programs and Services (EOPS). Many of these committees have broad-based membership, with all or most college constituencies represented.

G. Summary

School and junior (community) college districts were originally provided with broad governance authority by the Legislature, including the authority to create additional revenue, Over time, the Legislature itself intervened to somewhat circumscribe this broad authority by adopting statutes that directly addressed the interests of faculty, staff and students. Collective bargaining, adopted in 1975, was the first major legislative empowerment of community college constituencies at the local level. Proposition 13, adopted in 1978, was extremely disempowering to districts in that it effectively took away their ability to create additional revenue. Thus, as some colleges began to implement more traditional collegial models of shared governance, they were faced with implementing a form a shared governance which was bilateral and legalistic in nature; and they had to operate in an environment where they could no longer create additional revenue. Ten years later, AB 1725 expanded the application of the bilateral and legalistic model with respect to the role of academic senates. Thus, by 1994, at least three organizational constituencies have been separately empowered through a bilateral and legalistic model (faculty union, classified union, and academic senate) and other groups (students and staff) have been separately empowered in a more traditional collegial fashion.

CHAPTER TWO

AN ANALYSIS OF SHARED GOVERNANCE AT THE LOCAL LEVEL

A. The Purpose and Value of Shared Governance at the Local Level

In analyzing the quality of shared governance it is necessary to start with an understanding of why it is being practiced at all. Fundamentally, the practice of shared governance is intended to improve the quality of a college's response to its mission. When all is said and done, the issue is not which organizations or individuals should have the power to decide, but rather whether the decisions being made enable the college to respond to its mission in a way that serves the best interests of the students, the district, the community college system, and the state.

While both the state and federal governments have increasingly controlled the operations of our colleges, there are still literally thousands of critical decisions left to the local level. Through established processes, governing boards must decide which courses to offer, which students to serve, which positions to create or terminate, which applicants to hire, and which budget priorities to fund. These thousands of decisions operate to define a college's response not only to the broadly-worded mission it is charged with carrying out, but also its service of the public interest. If there were no shared governance mechanisms, all of these decisions would be made by governing boards and their administrative staffs. There would be input from the general public at board meetings, and there would be occasional site visits or compliance advisories from the state level. These sources of input would be so sporadic and inconsistent that it is difficult to imagine how they could have any real influence on the day-to-day operations of the district. In fact, if there were no shared governance, the quality of community college education would largely rise and fall depending on the quality of decisions (and particularly faculty hiring decisions) made by governing boards and their administrative staffs.

Through shared governance, we provide governing boards and their administrative staffs with critical input into the decisions they must make. With this input, shared governance thereby enables governing boards to both define and legitimate their response to the mission. Neither the State nor the general public residing within a district is in a position to oversee and guide the thousands of decisions that go into running a college. However, the college constituencies--the faculty, the classified staff, the students, and the administration--have the knowledge, experience, and ongoing presence required to assist in making quality decisions. Running a college, particularly during times of limited budgets, requires countless decisions to be made regarding competing values. Shared governance mechanisms provide the arena where these values can be expressed, where conflicts can be addressed, and where priorities can be established. Through shared governance, communication is enhanced, opportunities for buy-in are increased, and there is a greater likelihood that the decisions are neither arbitrary nor uninformed.

On the other hand, just the fact that a decision is made through shared governance mechanisms does not mean it is in the best public interest. A shared governance decision that conflicts with a local, state or federal law (such as a decision that unlawfully discriminates or avoids affirmative action) is not in the public interest. A shared governance decision that is controlled by one group or constituency to the detriment of other constituencies as well as the general public is not in the public interest. A shared governance decision that is personally and mutually beneficial to those who make it, but is not in the best interest of the students, the college, and the State is not in the public interest.

In addition, while shared governance mechanisms may yield good recommendations, the result is not in the public interest if applying the total framework is so expensive and so time-consuming that it renders the college unable to meaningfully respond to the underlying reason for engaging the framework in the first place. For example, suppose a district receives a special allocation of $100,000 which it must expend during a given fiscal year. It defeats the purpose of this allocation if the local planning phase for spending this allocation takes eleven months. Similarly, if the planning phase consumes $90,000 in staff time and resources, the purpose of the allocation would be frustrated.

B. Strengths of the Current Structure

The greatest strength of the current structure, particularly the parts of the structure established since AB 1725, is to broaden and formalize the participation of the college constituencies. During recent years, each major college constituency has become involved in organizing, defining its interests, and participating through formally adopted policies of the governing board. Each group or constituency has pursued maximum involvement and influence. Until AB 1725, the greatest shared governance authority resided in the unions--with academic senates, student organizations, and other groups generally being allowed to participate and provide advice. After AB 1725, academic senates gained governance authority akin to that enjoyed by unions; and all other constituencies were formally brought into the governance process. This formal and broad-scale "empowerment" of college constituencies has given everyone a chance to participate in policy development and the operation of the colleges. Through broad-scale empowerment, the likelihood is increased that the governing board benefits from the knowledge and experience of its employees and students as it defines its response to its mission and serves the public interest.

A second strength of the current structure is that it reduces the likelihood that governing boards and/or their administrations will abuse the public trust. Prior to 1975, governing boards and their chief executive officers (CEO's) had a large measure of control in running the colleges. Historically, most governing boards and CEO's have generally operated in the public interest, producing results that have run the gamut from poor to exceptional. Mediocre results have been caused not so much by abuse of the public trust, but rather by lack of vision and talent of the particular governing board and CEO. There were and still are occasional abuses, however. In the current vernacular, CEO's are often accused of "pursuing personal agendas", "ignoring the law," or "building empires." Occasionally there is truth to these accusations, and some districts have violated law or policy, or have taken actions which are not in the best interests of their students, the community college system, or the State. With shared governance, important governance decisions are much more out in the open, and CEO's and their governing boards have far less unilateral authority. CEO's and their governing boards know that actions against the public interest will be challenged by the ever-vigilant and empowered constituencies that now function as part of shared governance.

C. Negative Tendencies of the Current Structure

While the current structure of shared governance has many positive features and has enabled a quantum leap in improving the nature and quality of educational decision making, the structure has some tendencies to become dysfunctional and counterproductive. With careful handling, these tendencies can be avoided or minimized; left unattended they will eventually overwhelm and defeat the purpose of the structure itself. Following are the key examples of these tendencies.

1. The structure tends to promote balkanization of the college/district: Now empowered, each constituency meets regularly and develops an agenda to pursue its interests. Faculty unions meet, classified unions meet, academic senates meet, classified senates meet, and students meet. As a result of these meetings, each organization begins to develop its own understandings, expectations, and belief structures. The focus of each of these organizations is, by law or choice, on a relatively narrow range of issues. Indeed, the focus of a labor union is the improvement of working conditions for the employees it represents; the focus of a student association is the needs of students, student rights, and student government; and the focus of an academic senate is to ensure the best possible policy and practices related to academic and professional matters. A common tendency is to come to view the goals and agenda of the organization as the predominant focus of efforts. Organizations and their memberships tend to evaluate decisions of the administration and governing board in terms of how well they meet the needs and concerns that have been expressed by the organization.

This tendency towards balkanization is exacerbated by the fact that the role and authority of each of these constituencies is often bilaterally defined and legalistic in nature. None of the statutes or regulations which empower these employee or student organizations require them to work together with the other constituencies or work in response to a common agenda developed by the district. Indeed, the leaders of each organization and the organizations themselves are bound to focus on the legal charter and goals for the organization. Each constituency has a separately defined authority and role which is usually exercised not in connection with the other organizations, but in connection with the governing board and the administration.

2. The structure tends to promote "turf wars": Because the authority of each constituency has been established through a series of separate, bilaterally-negotiated policies of the governing board, there is a tendency for overlap and ambiguity in governance roles. This overlap and ambiguity has a tendency to create turf wars over which constituency should be involved in the various governance functions. Following are common examples of turf wars:

a. Union/academic senate turf wars: For example, under collective bargaining laws, some union representatives have argued that the rehiring of part-time instructors can be dealt with as "term and condition of employment" or as a matter of "evaluation." Under these interpretations, the exclusive representative would represent faculty, and the policy for rehiring part-time instructors would be established through the collective bargaining process. Under AB 1725, however, the governing board and the academic senate are to jointly develop hiring criteria for new faculty. Because, a part-time instructor is really a "new hire" each time he or she teaches, the hiring of such instructors should a matter of joint agreement between the academic senate and the governing board. Thus, both the union and the academic senate claim that it is their role, and only their role, to work with the governing board to develop appropriate policy. This turf war gets even more complicated when one considers that a particular district may have an existing policy which delegates the authority to hire part-time instructors to the faculty division heads.

b. Academic senate/student association turf wars: For example, the matter of grading policies is an "academic and professional matter" requiring a governing board to either "rely primarily upon" or reach "mutual agreement" with the academic senate (see Section 53200 of Title 5). On the other hand, grading policies are classified as one of the items which have a "significant effect on students"; and a governing board is prohibited from adopting such a policy until it has provided students with an opportunity to participate **in the formulation** of the policy. Recommendations developed by students are to be given every reasonable consideration. (see Section 51023.7 of Title 5). Student associations commonly believe that on matters such as grading policies they must be part of the joint discussions between the academic senate and representatives and the governing board; many academic senates, however, believe that the appropriate role for students is to review and comment on work products developed by the senate, or work products jointly developed by the senate and the administration.

c. Classified union/classified senate turf wars: Under collective bargaining laws, only the exclusive representative can engage in negotiable matters, and management cannot dominate or interfere with the formation or administration of employee organizations. Classified unions have challenged the formation and functioning of certain classified senates or organizations as violative of these laws. In Redwoods Community College District (PERB Dec. No. 650, 12 PERC 19018–1987) the Redwoods District was found to have violated the Educational Employment Relations Act by establishing a Classified Employees Council which met regularly to discuss employment related matters and make recommendations to management. While the Council was established to improve communications and morale, and to provide an avenue of representation for classified employees, the Public Employment Relations Board found that the district had illegally supported, dominated, and interfered with the Council's operations. The district provided funding for activities of the Council, provided release time to its members, allowed it to use district facilities and stationary, and provided the Council a spot on the District's multi-party council. Requests by the exclusive representative for similar opportunities for representation were denied.

Forming and operating a classified senate without violating collective bargaining laws is a difficult matter. It is likely that a number of classified senates in the colleges could be challenged under the law, but that the unions affected have decided not to raise such challenges. It is uncertain whether the affected unions will continue to have this point of view over the longer-term future.

d. Faculty union/student association turf wars: While evaluation procedures are a matter within the scope of collective bargaining, Section 87663 of the Education Code specifies the intent of the Legislature that, to the extent practicable, faculty evaluation is to include student evaluation. Section 51023.7 of Title 5 requires governing boards to give consideration to recommendations and positions of students regarding policies pertaining to the evaluation of faculty. When evaluation procedures are collectively bargained, students can't be parties to such negotiations. Student associations commonly believe their recommendations aren't given any real consideration.

e. Administration/academic senate turf wars: Some academic senates have read the statutes and regulations as requiring agreement between the governing board and the academic senate. These senates thus argue that administrators have no role in the process. While administrators might purport to represent the governing board, if the senate wishes it can demand that the discussion be a direct one between the senate and the governing board.

On the other hand, most chief executive officers read the statutes and regulations as allowing for jointly-developed policies to come to the chief executive officer before he or she makes a decision to take the policy to the governing board.

3. The structure tends to provide less meaningful participation for students, mid-managers, and classified staff: By far, faculty have the most authority in the current structure of shared governance. The collective bargaining process is a bilateral negotiation process; and "academic and professional matters" are also usually handled through a bilateral negotiation process (the administration reaches mutual agreement with the senate, or relies primarily on the senate's advice and judgment). Given the broad scope of matters that may be dealt with through collective bargaining, and given the broad scope of items that may be dealt with as academic and professional matters, the lion's share of governing board policies and district practices is often determined through these mechanisms. Because these policies and practices are determined largely through bilateral negotiations, the role of other parties is necessarily limited.

In both the collective bargaining process with faculty and in academic and professional matters, students, mid-managers, and classified staff are either not at the table, or they are at the table with much less of a role than the parties who have the authority to reach mutual agreement. Traditions and practices of higher education governance argue that it is both reasonable and appropriate that faculty have greater authority; traditions and practices of collegiality and shared governance argue, however, that before faculty decide, they should engage, consider and respond to the recommendations and concerns of the other shared governance participants. It is one thing for the academic senate to take the lead in developing a policy on an academic and professional matter by engaging the views and participation of students, classified staff, mid-managers, and senior administration. It is quite another thing for an academic senate to deliberate in isolation as a senate, develop a position, and then push this recommendation through the shared governance structure to the district governing board.

4. The structure tends to produce a budget which is cobbled together instead of a budget which reflects an overall institutional vision in the best interests of students, the system and the state: Given that 80% or more of a district's operating budget is tied up in salaries and benefits, and given that wages and salaries are determined through the collective bargaining process, the bilateral negotiations between administration and faculty unions, and administration and classified unions have a huge effect on how a district expends its available resources. It is the job of governing boards and the administration to articulate the vision for the district as well as other budget priorities to the exclusive representative with whom it is negotiating. But the primary focus of collective bargaining is not on what is in the best interests of the students, the system, and the State; instead, the focus is on what can be done to improve the working conditions and salaries of the employees in the unit.

Many districts have ameliorated this negative tendency by forming multi-party budget development committees. This practice enables the various parties to become familiar with the budget needs of the others, the overall resources available to the district, and overall district budget priorities. Still, no mutual agreements can be reached within these committees since negotiations must take place within the laws governing collective bargaining. In addition, these multi-party committees typically focus on how much of each other's budgetary needs the district can fund, rather than together creating an overall budgetary plan and vision for the district. In this regard, the budget is still relatively cobbled together.

5. The structure tends not to facilitate trust: With at least five or six organizations separately meeting, separately communicating, and separately improving their own internal levels of communication and trust, it has been more difficult for trust to develop among the organizations, as well as between the administration and the individual organizations. Because so many transactions and discussions occur bilaterally (between the administration and one of the shared governance organizations), those not a party to the discussions naturally are left to wonder whether their interests have been articulated and considered. For instance, if a change in grading policy is being hammered out between the academic senate and the administration, the student association has to wonder whether its concerns and proposals are being actively considered. Similarly, when the administration does not go along with a proposal of one group because it is trying to protect the views and interests of other groups, the group that has been denied tends to view the administration as the stumbling block.

The fact that the current governance structure does not facilitate trust is borne out in systemwide surveys. In November of 1993, a survey by a doctoral candidate (Patricia Flanigan, University of La Verne) on the faculty role in shared governance was distributed to the chief executive officers and academic senate presidents of the 107 community colleges. With an overall response rate of 84%, the survey found that both CEO's and academic senate presidents did not believe that levels of cooperation, trust, and shared values had changed much with shared governance. Academic senate presidents saw distrust between faculty and administration as one of three key barriers to the strengthening of the faculty role in shared governance. Other surveys recently conducted by the chief instructional officers, and The Academic Senate have yielded similar results.

6. Compared to the past, the structure is more expensive to maintain; and more often tends to produce inaction, long-delayed action, or action dominated by one organization: Shared governance is a labor-intensive and time-consuming process. Certainly, an administrator and a governing board can more quickly and economically develop and adopt a policy than any shared governance structure can. But the shared governance structure currently in place is especially prone to being costly; and is also prone to not producing, not producing in a timely manner, or producing a result which ends up being dominated by one of the shared governance constituencies.

The current structure is costly to maintain because it encompasses multiple constituencies which meet independently, individual constituencies meeting with administration, and multiple constituencies meeting together and with administration. The primary cost of this structure comes from the time that all of these individuals must spend working with their respective organizations, with the administration, and with the other shared governance constituencies. This cost escalates because the structure so often produces long delays or inaction.

Consider first that with respect to three of the shared governance organizations (faculty union, classified union, and the academic senate) the law effectively precludes governing boards from acting without the agreement of the particular organization. Collective bargaining agreements must be accepted by the employee organization before they can become legally binding. Most policy development with the academic senate requires that the board "rely primarily" on the senate's advice and judgment, or that mutual agreement be reached. Thus, when there is no agreement in bargaining, when the administration cannot rely primarily on the advice and judgment of the senate, when the administration cannot reach agreement with the senate, the governing board is essentially precluded from acting. Only in very narrow, legally defined instances can governing boards act in the absence of mutual agreement or against the advice and judgment of faculty.

When a governing board goes from being able to act on its own to being able to act only with the agreement of another party it stands to reason that there will be an impact. There will be an increase in the number of occasions that the governing board does not act, that it will act after delay, or that it will bow to the will of the other party in order to act. Very often, particularly with respect to academic and professional matters, there are strong and educationally sound arguments for more than one point of view. If a governing board and an academic senate take different but educationally defensible approaches to a policy, the governing board must choose between not acting, accepting the senate's recommendation against its will, or finding some legally excusable way to adopt its own approach.

Second, delay and disagreement occur due to the multiplicity of separate reviews of an issue facing the district or a policy being reviewed. For instance, suppose a college president decides to retire and the district must initiate a search. While hiring an administrator is not subject by law to agreement or consultation, the academic senate, the classified senate, the students, the faculty union, the classified union, and others will all want a say and a role in the many decisions that must be made by the governing board: Should there be an interim president? Should the interim president be selected from within the district? Should a search consultant be retained? If so, what should be the duties of the search consultant? How should the search consultant be selected? What should be the composition of the presidential search committee? How should the criteria for the new president be determined? How long should be allowed for the search and selection? All of the various organizations could have different views on each of these questions.

Once discussed and deliberated, each of the various organizations in shared governance tend to come up with "positions" that are articulated to the administration and the governing board. Very often these positions are so specific in nature that differences are impossible to reconcile. The matter turns to power politics, as well as trading and cobbling together the various positions. With separate and politically active organizations, there is little opportunity for the option of bringing the various organizations together, with a clean slate, to develop a common position.

7. The structure tends to create and perpetuate expectations which cannot be met: When each of the various organizations meet separately, develop organizational beliefs, and pursue organizational goals, they create an impossible set of expectations for administrations and their governing boards. It is not unreasonable for a faculty which has not had a wage adjustment in three years to expect a modest wage adjustment. It is not unreasonable for classified staff to expect the same. It is not unreasonable for an academic senate to feel that it does not have enough resources to carry out its new shared governance responsibilities; and thus not unreasonable for the senate to expect more release time for faculty to participate in shared governance. It is not unreasonable for an academic senate to be concerned about the district not hiring too many part-time instructors, particularly if the district might be in violation of the law. It is not unreasonable for students to have access to computers, for campus clubs to be minimally funded, and for students to be enabled to participate on a greater variety of college committees. The problem is that all these legitimate requests for resources are coming at a time when revenues available to districts are holding steady or even shrinking. The district governing board, legally charged with providing open access to a comprehensive program is faced with a major dilemma: to meet the legitimate expectations of the various organizations will require the downsizing of the college. A downsizing on a scale necessary to meet the reasonable expectations of the organizations goes beyond a reduction in the cost of administration; it also means a reduction in the number of course offerings, a reduction in the number of students served, and a reduction in the quality of services. On the other hand, to make these reductions is to go against the philosophy of the Master Plan for Higher Education and the mission the governing board is legally required to carry out. Without a substantial infusion of new revenue, district governing boards have no way out of this dilemma. They must either violate their mission or frustrate the expectations of their shared governance organizations.

Other than resource expectations, the current process also generates and perpetuates philosophical beliefs which cannot be reconciled. Students, classified staff and others tend to believe that unless they participate in equal numbers with faculty, they aren't really being empowered. These same groups tend to believe that unless they are given the power to mutually agree to policies, they don't have the same power that academic senates and unions do. Mid-managers tend to believe their roles have been usurped by academic senates. Academic senates tend to believe that faculty have a special and unique role in shared governance, and that the views of faculty must carry more weight than the views of students, classified staff, or even administrators. District superintendents tend to believe that shared governance recommendations should be made to the CEO, and that he/she should then make the recommendations to the governing board. Some academic senates read the statutes and regulations and believe they are on an equal footing with the governing board, and that policy should be developed in conjunction with the board, not the administration. All of these philosophical beliefs tend to be reinforced and perpetuated by the fact that the organizations meet separately, and develop their own belief structures and expectations.

8. The structure tends to be unsound in terms of enabling districts to be accountable to the Legislature and Board of Governors: On a matter where mutual agreement is required, a governing board *shares authority to act* with a union or an academic senate *but retains full legal responsibility for the action.* In terms of legal accountability as well as the public perception, it is the governing board which is held to answer. This, if a collective bargaining agreement provides a salary increase which renders the district insolvent, or if an adopted policy violates someone's rights, it the governing board that gets in trouble with the State or gets taken to court. And, if mutual agreement isn't reached, the governing board is again responsible for the consequences. The failure to act may mean that a governing board doesn't timely comply with a deadline or expectation imposed by the Legislature or Board of Governors. The district could be taken to court, or it could be penalized by the Legislature or Board of Governors.

Most would agree that if the failure to reach agreement is not the fault of the governing board, it should not be held legally responsible. But the Legislature and Board of Governors, to have a sound structure of accountability, need to be able to hold someone responsible. If governing boards are to be excused for actions or inactions which aren't their fault, the Board of Governors must be authorized to determine who is at fault and must also be authorized to correct the situation. This means that the Board of Governors would begin regulating the conduct of labor unions and academic senates. To implement this concept would entail investigations, on a case-by-case basis, to determine which party was at fault. It would also entail the authority to require remedial action on the part of the district, the academic senate, or the union.

9. The structure tends to make the colleges less responsive to change: An ineluctable tendency of any organization is that it will protect self-interest. Whether it be a private company, a college district, or an organization operating within a district, the organization will pursue its organizational goals and tend to resist changes which threaten those goals or its survival as an organization. With the current structure of shared governance the focus has shifted away from protecting the overall institutional interest and towards the particular interests of the various organizations operating within the college. When a college or district considers major change, it is almost always the case that one or more of the shared governance organizations that operate within will be threatened by the change. An organization whose interests are threatened often has the capacity to block change. Thus, most proposals for major change are blocked by one group or another.

Ironically, each of the shared governance organizations seems to be willing to confront and propose major change. The problem is that a given change desired by a particular group is almost always threatening to one or more of the other groups. Again, the various groups tend to block one another's proposed changes.

At one time, when governing boards could increase the amount of revenue available, change could occur on the margin--it could be bought. The status quo could be left alone and the new revenues could be used to undertake the desired change. Now, with shrinking revenue, moving in a new direction usually means that something must be discontinued or reduced. Inevitably, shared governance organizations have vested interests (e.g. the livelihood of employees, group authority, and programs which they believe in) that they will seek to protect. Under these conditions there appear to be only two ways to induce major change. First, shared governance groups can be led to subordinate their organizational goals and agendas to a districtwide or institutional agenda and goals which they jointly develop and embrace. Second, change can be imposed from the outside--by either the Board of Governors or the Legislature.

D. Summary

Shared governance practices are necessary and appropriate because these practices enable our colleges to define and legitimate their response to the broad mission and public interest they are charged with serving. While the current structure has enabled a quantum leap in improving the nature and quality of educational decision making, the structure has some tendencies to become dysfunctional and counterproductive. Instead of enabling us to be more fully responsive to our mission, our current practices all-too-often tend to bifurcate our efforts and force us to deal with the separate agendas of a multiplicity of organizations and interests. This multiplicity of organizations and interests vie with one another and with the governing board for power and resources, often consuming great amounts of time and energy. In the process, we divert our focus from the overall performance of our institutional mission. By dividing up power and resources through multiple bilateral agreements, we stifle the opportunity for multiple parties to work together in a common forum--a forum where collegiality and consensus is the goal, and a forum where the common focus is on students and the institutional mission.

These negative tendencies can be avoided or minimized if the various parties to shared governance have the will to make necessary changes for the sake of improving their district's responsiveness to its mission. On a larger scale, avoiding these tendencies over the longer term will probably require some statutory and regulatory changes in our structure of shared governance. These changes are identified and discussed in Chapter Five.

CHAPTER THREE

THE EVOLUTION OF SHARED GOVERNANCE AT THE SYSTEMWIDE LEVEL

A. The Early Years--1907-1966

Given the origins from the K-12 system, it is not surprising that the initial systemwide governance for "junior colleges" was vested in the State Board of Education and the Department of Education. Under this structure, most authority remained with local governing boards. The State Board of Education and the Department weren't really a systemwide governing board and office; rather, they were *agencies of the State* charged with carrying out certain legislatively-prescribed functions. The State Board and the Department were an arm of the Legislature and Governor, an arm of the State; they weren't unified as a system with the local districts.

With both the University of California and the California State University, a systemwide governing body was created and was given authority to establish and maintain the campuses. The Constitution and statutes did not separately regulate the functions of the campuses and the systemwide governing body. With the K-12 and community college systems, the Legislature separately regulated the State Board/office as well as the local districts. In this manner the Legislature retained major authority because: 1) it dictated the operations of districts (how colleges are financed, who they can employ, how they manage and control property, etc.); 2) it dictated the manner in which its agent (the State Board) was to control, regulate and oversee districts; and 3) it gave districts and the State Board limited authority to act outside of these parameters.

The 1950's and 1960's brought rapid growth in the number of junior college campuses. Increasingly, the colleges separated themselves from K-12 districts and established themselves as separate junior college districts. By 1964, 56 of 66 junior college operations were conducted by separate districts. At the state level, a small "Junior College Bureau" within the Department of Education operated to oversee and provide policy guidance to the colleges.

By the mid-1960's there was growing dissatisfaction with the state-level governance and leadership of junior colleges by the State Department of Education. This dissatisfaction was recorded by the Assembly Interim Committee on Education in a special set of hearings during 1965 and 1966. The Committee found:

> "1. The committee finds that the present administrative structure for California's 75 junior colleges with the Department of Education is weak and unable to provide the leadership needed if this vital segment of the state's higher education system is to assume the role designated by the Master Plan for Higher Education.
>
> . . .
>
> 2. We find that the State Board of Education, charged by our statutes with the duty of setting state level policy for the junior colleges has neither the time nor apparently the inclination to do the job."

The Committee went on to recommend that the Legislature enact a bill establishing a separate Board of Governors and a separate office (Chancellor's Office) to assume the duties of junior college policy setting and administration that had been vested in the State Board of Education.

During these early years, the vacuum in system-level leadership prompted the creation of certain statewide organizations to fill the void. These organizations represented various interests in the legislative arena and attempted to carry out some of the systemwide functions not being attended to by the State Board. Key organizations were the California Junior College Association (which later became CCJCA, then CACC, and now is CCLC), the Junior College Faculty Association (which now is FACCC), the California Federation of Teachers (AFT), the California Teacher's Association (CTA), and the Community College Division of the California School Boards Association (which later became CCCT, and now is part of CCLC).

B. The Creation of the Board of Governors--1967

In 1967, legislation creating the Board of Governors was signed into law (Chapter 1549, Statutes of 1967). Carried by Senator Walter Stiern, the measure called for the Board to, "succeed to the duties, powers, purposes, responsibilities and jurisdiction heretofore vested in the State Board of Education, and the Department of Education with respect to the management, administration and control of the junior colleges."

The legislation also provided for the appointment and terms of the Board, required the appointment of a Chancellor and authorized the employment of staff. Shortly thereafter, staff from the Junior College Bureau were transferred to the new Chancellor's Office.

In creating this new governing board the Legislature did not change the governance structure of the colleges. It simply had the Board and Chancellor's Office step into the shoes of the State Board of Education and the Department of Education. It directed the Board to provide "leadership and direction" and to maintain local autonomy and control to the maximum extent possible.

In addition, the existing statewide organizations were unaffected by this new Board. These organizations continued to work in the legislative arena, where the Board and Chancellor's Office simply became a new player--one of five or six junior college organizations that had influence over the many legislative decisions that affected the junior colleges.

C. The State Regulatory Agency Era--1968-1985

Considering that there were already organizations in place who purported to represent the junior colleges in the Legislature, and considering that these organizations were already providing leadership and assistance to their constituencies in local districts, and considering that these organizations had no inclination to give up these roles to the Board of Governors and Chancellor's Office, it is not surprising that the new agency found quite a bit of competition in trying to fulfill newly assigned roles. As a consequence, the new agency tended to focus on such administrative and mechanical functions as finance computations, district organization and reorganization, credentialling, and regulation functions handed down from the Department of Education.

Among the key oversight functions transferred to the Board of the Governors was the authority to regulate districts. In carrying out this regulatory authority, the Board was required to follow the same "Administrative Procedures Act" that all other state agencies were required to follow. As might be expected, this act required the Board to provide notice, conduct hearings, and adopt regulations in accordance with specific procedures. The law essentially required the Board to consider all comments and concerns, oral or in writing, that were timely received.

Not surprisingly, the statewide organizations that functioned in the legislative arena began to turn their attention to the Board of Governors. Just as the organizations tended to dominate community college advocacy and policymaking in the legislative arena, they came to dominate policymaking in the arena of the Board of Governors. During the late 1960's and early 1970's, there had been statewide meetings of Superintendents and Presidents where the Chancellor and his staff would receive input on important Board and legislative matters. Over time, a "Chancellor's Advisory Council" was formed which consisted of all statewide community college organizations that wanted to participate in the review of policy. New organizations were formed, including a statewide administrators organization for administrators (the Association of California Community College Administrators), and a statewide chief executive officers organization (the Chief Executive Officers of the California Community Colleges). Gradually, these organizations became much more active not only with the Chancellor's staff and Chancellor's Office task forces, but also with the Board of Governors and its committees.

When these early events are analyzed in terms of how they affected the evolution of shared governance, a clear picture begins to emerge. First, the Board was not in a position to create its own structure of shared governance. It came into a situation where private organizations were already established and operating. Second, the Board had great competition in assuming its roles of providing leadership and direction for the system, and providing representation for the colleges in the Legislature. On these broad functions, the Board was simply one of several players; it wasn't in control, and it couldn't just establish a framework which everyone would follow. Finally, because the Board was a state agency, and because it was exercising regulatory authority, it had to follow a prescribed procedure. It couldn't establish its own shared governance process to develop regulations. Regardless of whether committees or shared governance groups might develop regulations, the Board was still bound to consider the comments of every interested individual, organization, member of the public, or public official.

Thus, during its first seventeen years of existence, the Board was very much a *state agency*, very much a *regulatory agency* and very little a systemwide office that provided leadership and direction for the system through established shared governance procedures. The colleges were still micro-managed by the Legislature, the Board was still one of many players that "represented the colleges" and the Board was one of many organizations that provided leadership and assistance to local constituencies. As a state agency, the Board and Chancellor's Office were increasingly lobbied and influenced by a growing number of statewide organizational interests. These organizations were ambivalent about the notion of a strong Board and Chancellor's Office. Each tended to want the Board to enforce and lead in areas that coincided with their organization's agenda; however, none of the organizations wanted to give up its own legislative clout to a Board and agency that would represent the colleges' interests in the Legislature.

D. The Birth of the System and Consultation--1986-1988

Conditions of legislative micro management and uncertainty were pervasive during the late 1970's and early 1980's. In 1978, Proposition 13 effectively wiped out the authority of districts to create additional revenue and resulted in the bulk of funding being provided by the State. With economic downturns in the early 1980's funding was very uncertain. More and more, policies were being determined from Sacramento, and uncertainty was the order of the day.

In 1986, the Board of Governors attempted to address this great level of uncertainty by adopting its own policy-making plan, the *Basic Agenda*. The *Basic Agenda* called for much policy making to be pulled out of the chaotic legislative arena and placed under the control of the colleges. It called for community colleges to function as a *system*, a system which could operate apart from, but in response to, the State. This new system would comprise the Board of Governors and local governing boards. Under this new structure the Board would become a true systemwide governing board, and would cease to be simply a state agency that carried out a list of legislatively-assigned functions. To make this system work, the Board realized it needed a more formal shared governance structure so as involve districts and institutional representatives in the development of policy. Among other recommendations, the following was adopted:

> "The Board of Governors will adopt processes for consultation and communication with local districts in the development of systemwide policies adopted or administered by the Board, including consultative policies for Board recommendations to the State regarding changes in State policy."

In calling for the development of a consultation process, the Board deliberately went in the direction of consulting and communicating *with local districts*. First, in light of the fact that the system consisted of the Board and local districts, it made sense that policy development should be done in concert with the districts. Second, the Board felt that the organizations already had the predominant voice, and that the individual agendas of the organizations sometimes overwhelmed efforts to focus on the public interest.

Early in 1986, the Chancellor's Office issued a paper proposing that the new process reflect the typical organizational framework of a college. Under this model there would be separate groups or "councils" for the following areas: chief executive, instruction, student services, business, academic senate, and students. After much discussion, the basic elements of this proposal were found acceptable to most groups; and in December of 1986, the first informal "Consultation" meeting was held with the executive board of the Chief Executive Officers organization. During the next twelve months the various aspects of the process were fleshed out, and draft policies were prepared and reviewed. Finally, in March of 1988, the Board adopted formal policy on Consultation.

The Board's action consisted of an overall policy statement, a Standing Order which set up seven councils, and a directive for the Chancellor to issue Executive Orders to implement the process. Following are the key elements of the process:

- Six of the seven councils were labeled "institutional" in that they were composed of district employees who were expected to represent the views of districts (and regions) generally. The institutional councils were the Executive Council (chief executive officers), the Council of Chief Instructional Officers, the Council of Chief Student Services Officers, the Council of Chief Business Officers, the Academic Senate, and the Council of Student Body Governments.

- The Executive Council was the key council, at least on paper. This council consisted of 12 chief executive officers, the Chancellor, and three ex-officio members (the President of the Statewide Academic Senate, the Chair of the Student Council, and the Executive Director of the California Community College Trustees). The Executive Council was to be consulted on the coordination of policy development among all councils. In addition, the Executive Council was to review all proposals before they were sent to the Board of Governors. Finally, four of the other six standing councils were to *work through* the Executive Council (the CIO's, the CBO's, the CSSO's, *and the Council of Organizations)*.

- The Council of Organizations served as the representative of constituent organizations on all educational and legislative policy matters; and the Chancellor was to consult this body regarding legislation affecting community colleges, as well as any other matters determined by the Chancellor.

- The Academic Senate was recognized as the representative of the faculty on all academic and professional matters, except where such professional matters pertained directly to wages, hours of employment, and other terms and conditions of employment.

- Under the process, all input was *advisory* to the *Chancellor*. The Chancellor was bound to apply the process and consider the input before he/she made a recommendation to the Board of Governors. However, neither the Board nor the Chancellor was obligated to follow the advice received from Consultation.

The one organizational council was the Council of Organizations, which consisted of the Association of California Community College Administrators, the California Association of Community Colleges, the California Community College Trustees, the Chief Executive Officers of the California Community Colleges, the Faculty Association of the California Community Colleges, the Academic Senate, the Community College Council of the California Federation of Teachers, the Community College Association of the California Teacher's Association, the California School Employees Association, and the California Community College Student Government Association. These ten organizations had been meeting for some time as a budget advocacy group called the "Californians for Community Colleges."

By late 1987 and early 1988, serious discussions were occurring in the Legislature regarding a major community college reform bill. A blue-ribbon panel had just completed a review of the community colleges as the first part of a Master Plan review. A joint legislative committee, chaired by Assemblymember John Vasconcellos, was created to put together necessary legislation. Californians for Community Colleges and the Council of Organizations played critical roles in developing and reviewing this legislation. Together, the various community college organizations developed bill language that all could support; and, in many instances this jointly-developed language was placed directly into the bill. Interestingly, neither the Board of Governors nor the consultation process controlled the language that was being developed and submitted. Instead, it was the coalition of organizations, working sometimes as Californians, and working sometimes as the Council of Organizations, that most influenced the composition of the legislation. In this manner, even though the Board had called for a system, and even though the Board had implemented the Consultation Process as a means of representing the system, the coalition of organizations, and not the Board of Governors, was representing the system.

E. AB 1725 and the Maturation of Shared Governance at the Systemwide Level --1989-1994

1. AB 1725 and the Preexisting Consultation Process: Passed and signed in September of 1988, AB 1725 formalized certain preexisting shared governance concepts and structures. AB 1725 specifically created the California Community Colleges as a system, a system composed of local governing boards and the Board of Governors. In addition, the bill delineated the respective roles of the state and local boards. Finally, and most important for shared governance purposes, the legislation required the development of a consultation process:

> ". . . the board of governors shall establish and carry out a process for consultation with institutional representatives of community college districts so as to ensure their participation in the development and review of policy proposals. The consultation process shall also afford community college organizations, as well as interested individuals and parties, an opportunity to review and comment on proposed policy before it is adopted by the board of governors." (Education Code, Section 70901(e))

In mandating a consultation process, the Legislature thus reaffirmed the distinction between the policy development role of district representatives (institutional representatives develop and review policy) and the policy review role of community college organizations (organizational representatives review and comment on proposed policy). In this new system, the institutional representatives clearly had the primary role regarding policy development.

In implementing AB 1725, the Chancellor and Board decided to leave the existing Consultation Process in place for at least a year, during which time additional proposals for changing and improving the process could be considered.

2. Revisions to the Consultation Process--1992: Of the proposals received during the 1989 review, most were from special interest groups which either wanted their own council or a place on the Council of Organizations. None of these proposals could generate any sort of consensus in the Consultation Process; accordingly, no changes were made.

During 1990 and 1991, the tension between the "organizational" and "institutional" frameworks continued to increase. This tension prompted concerns about the Consultation Process to be raised in five general areas. First, local boards were concerned that they didn't really have a role in the Consultation Process. The policy of the Board of Governors designated chief executive officers (CEO's) as the representatives of governing boards and districts. Trustees complained that they'd never been asked for their views, and they didn't know what their CEO's had been saying in Consultation. In addition, trustees were concerned that the CEO's might be reflecting the views of the CEO organization (CEOCCC) rather than the views of the institutions.

A second concern came principally from the Council of Organizations. The organizations did not like the fact that they had to work through the Executive Council, and that it could ignore a consensus proposal that had been developed in the Council of Organizations or the other councils. The perspective of many organizations was that the chief executive officers enjoyed a special relationship with the Chancellor, and that, with the final review of all policy proposals, the Executive Council could effectively control the flow of policy to the Board of Governors.

A third concern related to the role of the Chancellor and Chancellor's staff. Some expressed concerns that existing policy enabled the Chancellor and his staff to both dominate the process and ignore input from the councils. Some staff were accused of ignoring a council's consensus or picking and choosing what they wanted to hear. Concerns were raised that staff was drafting complete and detailed policies, and that councils were simply left to review and react. In addition, there were concerns that staff sometimes heavily filtered information to the Chancellor, thus hindering his complete understanding of the various perspectives on a given issue.

A fourth concern came from the Academic Senate and other faculty organizations. Pointing to regulations of the Board of Governors that required local governing boards to "rely primarily" or reach "mutual agreement" with their local senates on "academic and professional matters", the Academic Senate asked why there were not parallel provisions in the Board's policy on Consultation.

A final concern about the Consultation Process related to the role of the Board of Governors. On a few occasions the Board of Governors had rejected recommendations of the Chancellor that had achieved consensus in Consultation. While most parties respected the authority of the Board to take this action, questions were raised about process. Many expressed the view that, if time allowed, the Board should refrain from substituting its own judgment. Instead, the Board should provide direction and send the policy back for further consultation.

In March of 1992, the Board adopted a number of changes to address these concerns. First, an explicit role for local boards was provided--to conduct deliberations and take positions on recommendations that are being developed in Consultation, or that are before the Board of Governors. This action furthered the "institutional" framework by asking local boards to involve their faculty, staff, and students in taking these positions.

Second, the role of the Council of Organizations was expanded. The Chancellor was directed to consult with the Council, "so as to provide an opportunity for creating jointly-developed recommendations on legislation and other matters, including potential policy issues, affecting community colleges."

In this manner the role of the Council of Organizations was to parallel the role of the shared governance councils (multi parties of interest) that typically existed at the college or district level. Particularly with respect to policy matters that involved significant controversy and complexity, the expectation was that the Council of Organizations would be the forum for developing recommended policy. Then, the other councils, and particularly the Executive Council, would review these recommendations before the Chancellor took a recommendation to the Board of Governors.

A third change in the process came with a clarification of the role of the Chancellor and the Chancellor's staff. The Chancellor and staff were directed to, "lead and promote jointly-developed recommendations arrived at through Consultation." The policy made clear that the Chancellor retained the authority to make a different recommendation to the Board, as well as the authority to make recommendations in the absence of consensus. The policy also made clear that staff was to, "engage discussion, attempt to resolve different points of view, and accurately communicate the results to the Chancellor."

A fourth change in the process came with a clarification of the role of the Academic Senate. The Board loosely applied the basic elements of the model mandated for districts. The Academic Senate would be relied upon to initially propose, or work with the Chancellor's designees in proposing, policies on academic and professional matters. Throughout the process, the advice and judgment of the Academic Senate would be relied upon whenever the policy involved an academic and professional matter.

A final change in the process related to the role of the Board of Governors. The Board indicated that full reliance and due deference would be provided to recommendations of the Chancellor that had been developed through Consultation. However, the Board reserved the right to reject such recommendations or adopt different recommendations. When time allowed, the policy of the Board would be to provide direction and allow additional time for Consultation.

3. Resources and the Consultation Process: Beginning in 1991, the State began to make significant reductions in the budgets of state agencies in order to address the State's fiscal crisis. Like most other state agencies, the Board of Governors took heavy reductions in its operating budgets for 1991-92, 1992-93, and 1993-94. In total, State funding to support the operations of the agency dropped about 50%. Since 1990-91, the Chancellor's Office has lost nearly one third of its workforce, and discretionary revenues have virtually disappeared.

These very large reductions could not have come at a worse time for the agency and the system it was charged with leading. Just as the Chancellor's Office and Board of Governors were attempting to step up to the level of leadership, assistance, and coordination expected by AB 1725, the fiscal capacity to respond was cut nearly in half.

The "system" created by the Legislature was fragile. Some legislators, community college organizations, and others were wary of giving the Board of Governors and Chancellor's Office more control. More than ever, the Board and Chancellor's Office needed to respond credibly and capably. Participants in the system needed to see the systemwide office and the Consultation Process as a fair and effective means of addressing their interests and setting educational policy. The Legislature, Governor and other state agencies needed to see that the Board was effectively leading the system, providing accountability, and fairly addressing the concerns raised by those in shared governance.

The magnitude of the reductions has forced cutbacks and compromise in virtually every area of the agency's functioning. The cumulative impact of these reductions has contributed to an overall loss of responsiveness; and the quality and credibility of the efforts have suffered as well. For shared governance to work the parties must believe the processes are worth their efforts and the results they achieve will be better than they could have achieved outside the process. The budget reductions greatly hampered efforts to build the credibility and responsiveness not only of the agency, but also of the Consultation Process.

F. A Current (1994) Snapshot of the Institutional and Organizational Participants in Consultation

Currently, there are thirteen statewide organizations that are formally enabled to participate in Consultation by policies of the Board of Governors. These thirteen **organizational participants are the following:**

1. ACCCA: The Association of California Community College Administrators was formed in 1975 to represent the interests of community college administrators before the Legislature and the Board of Governors, and to provide in-service training and development for community college administrators. The organization's $300,000 annual operating budget is mostly funded from dues and conference revenues. Membership in ACCCA is voluntary, and the organization currently has about 1400 members, most of whom pay dues out of their own pocket. ACCCA has an executive board, an annual legislative program, an annual conference, an annual reception for legislators, and a variety of workshops. Travel costs of members participating in ACCCA business and activities are usually borne by their districts.

2. CEOCCC:: The Chief Executive Officers of the California Community Colleges was formed in 1982, to represent the interests of community college chief executive officers before the Legislature and the Board of Governors. The organization is now part of the Community College League of California (CCLC), whose $1,300,000 operating budget is funded largely from dues paid by community college districts who choose to join CCLC. Virtually all districts have joined the League, paying an annual total of approximately $950,000 in dues. The CEOCCC has an executive board which also meets with the Chancellor as the Executive Council (except that the Executive Council also adds an Academic Senate and student representative) in the Consultation Process. The executive board and Executive Council each meet about ten times per year, usually on successive days. The organization has an annual legislative program; develops and advocates positions on legislation and proposed policies of the Board of Governors, establishes annual goals, and puts on three or four statewide CEO meetings per year. Travel costs of members participating in CEOCCC business and activities are almost always borne by their districts.

3. CCCT: The California Community College Trustees was formed in 1978 to represent the interests of community college governing boards before the Legislature and the Board of Governors, and to provide in-service training and development for community college trustees. Previously, the trustee organization had functioned as a division of the California School Boards Association. CCCT functioned as a stand-alone organization between 1978 and 1990; then, in 1991, it was made part of the Community College League (CCLC). As previously mentioned, CCLC is funded largely from dues paid by districts. CCCT has a Board of Directors who are elected by CCCT member boards. The organization has an annual conference, an annual legislative seminar, and an annual legislative program; it also takes and advocates positions on community college legislation and proposed policies of the Board of Governors. Under the Consultation policies of the Board of Governors, the CCCT Board of Directors is to meet periodically with the Board of Governors regarding the proposed budget for the system, the annual legislative priorities, as well as governance relations and the effectiveness of the Consultation Process. Travel costs of members participating in CCCT business and activities are almost always borne by their districts.

4. CCC/CFT: The Community College Council of the California Federation of Teachers was established in the early 1970's to help its local affiliates in bargaining with boards of trustees, to propose and advocate appropriate legislation, to relate the concerns of affiliated locals to the Board of Governors and the Chancellor, to promote and protect the welfare of the faculty and staff of the colleges, and to improve the quality of education offered in the California Community Colleges. The organization represents approximately 17,000 employees (mostly faculty) in 21 districts, and is supported by a portion of the union dues paid by such employees. The California Federation of Teachers provides significant staff support and other resources for the Council. With this support, the Council is an approximately $2,000,000 per year operation, although the Council's operating budget is just $135,000. Members of the Council come from delegates from the affiliated locals; and the Council has an executive board consisting of a President, Vice Presidents from the north and south, and a Secretary. The Council holds an annual convention, adopts an annual legislative program, and takes and advocates positions on legislation and proposed policy of the Board of Governors.

5. CCA: The Community College Association is a state affiliate of the California Teacher's Association. The Association was formed in 1990 to "protect and promote the well being of its members through collective bargaining, lobbying and representation activities, thereby advancing universal and quality public education." The Association has been in existence since 1958, but previous to 1990 had been under the more direct control of the California Teacher's Association. The CCA has a membership of approximately 5, 000 in 37 community college districts. The Association has an operating budget of over $1,100,000, which is funded by the parent organization (CTA), which in turn is supported by a portion of the union dues that represented faculty pay. The Association has a Board of Directors, most of whom are elected from 14 geographical regions. CCA assists its locals in collective bargaining, adopts an annual legislative program, holds conventions twice a year, takes and advocates positions on legislation and proposed policy of the Board of Governors, and provides professional development training.

6. FACCC: The Faculty Association of the California Community Colleges was formed in 1952 as an independent, non-union voice for community college instructors. Its mission is to "promote unity and professionalism among California Community College faculty, advocate faculty interests, and encourage policy-making bodies to provide adequate resources and appropriate laws and regulations that will assure Californians broad access to quality community college education."

FACCC currently has a membership of about 6,100 individuals who voluntarily choose to join. The organization is almost entirely supported by the annual dues paid by these members, and has an operating budget of approximately $750,000. FACCC is governed by a member-elected "Board of Governors" and executive officers. The organization has an annual legislative program, holds an annual conference, sponsors numerous workshops, and takes and advocates positions on legislation and proposed policy of the Board of Governors.

7. The Academic Senate for California Community Colleges: The Academic Senate was formed in 1969 to "promote the best interests of higher education in the state and to represent the faculty in all California Community Colleges at the state level." Among the more specific aims and functions of the Academic Senate are to strengthen local academic senates, to ensure faculty a formal and effective procedure for participating in the formation of statewide polices on academic and professional matters, and to develop policies and promote the implementation of policies on matters of statewide concern.

Membership of the Academic Senate consists of the academic senates of each of the community colleges and the academic senates of multi-college districts. Each of these entities selects one Senator who has full voting rights at twice annual general sessions of the Academic Senate. These Senators elect officers as well as an Executive Committee (which consists of the officers and ten members elected from within regions and at large). The Executive Committee meets about ten times per year and also functions as the Council of the Academic Senate within the Consultation Process. In addition, the Senate has about ten standing committees. The costs, including travel costs of members, of all committees are covered by the Academic Senate.

The Academic Senate's operating budget of approximately $685,000 is funded largely through a budget act allocation in the annual State budget (currently about $450,000) , dues paid by local colleges (currently about $75,000), and general session revenues.

8. CCCI: The California Community College Independents was formed in 1982 to assist local faculty bargaining units which choose not to affiliate with either the CFT or CTA. The faculty within these unaffiliated bargaining units decide whether or not the unit should join CCCI. Currently, faculty units in fourteen districts have chosen to join CCCI. The association is funded from dues paid by the local bargaining units, and these dues generally range between $250 to $500 per year. Representatives from the fourteen participating colleges meet twice a year to elect officers, discuss overall strategies regarding negotiations, and discuss general policy positions of the association.

9. Cal SACC: The California Student Association of the Community Colleges was reorganized in 1987 (formerly representation was provided by the California Student Association of Community Colleges, and even earlier by the California Community College Student Government Association) to represent the interests of community college students before the Legislature and the Board of Governors. Cal SACC's annual operating budget of approximately $17,000 comes from dues paid by the student government associations at the individual colleges and from conferences. The Board of Governors also provides about $20,000 annually to support the travel expenses for certain Cal SACC representatives when they are participating as part of the Consultation Process. Cal SACC has a governing board which consists of its officers and 10 regionally-elected student government representatives. This governing board, when it meets with Chancellor's Office representatives, functions as the Council of Student Body Governments in the Consultation Process. Cal SACC develops an annual legislative program, and takes and advocates positions on legislation and proposed policies of the Board of Governors.

10. CSEA: The California School Employees Association represents local K-12 and community college affiliates that collectively bargaining for classified employees. The organization represents these affiliates before the Legislature, the State Board/Department of Education, the Board of Governors, the Chancellor's Office, and other state agencies. Of the 110,000 employees represented by CSEA, about 10,000 are community college classified employees. CSEA's annual operating budget of $22,000,000 is wholly supported by a portion of the union dues that these classified employees pay.

11. CIOCCC: The Chief Instructional Officers of the California Community Colleges was formed in 1980 (although Northern and Southern Deans of Instruction had been meeting since 1958) to represent the views of chief instructional officers before the Chancellor's Office and Board of Governors, and to provide in-service training and professional development for chief instructional officers. The association does not collect dues, but rather provides conferences and workshops that generate about $7,500 of excess revenue annually. The CIOCCC is governed by a Board of Directors which meets about six times per year and which consists of ten regional representatives and the officers of the organization. When this executive board meets with Chancellor's Office representatives it becomes the Council of Chief Instructional Officers in the Consultation Process. Travel costs of members and officers of the CIOCCC are borne by their individual districts.

12. CCCCSSAA: The California Community Colleges Chief Student Services Administrator's Association was formed in the 1960's to represent the views of chief student services administrators before the Chancellor's Office and Board of Governors, and to provide in-service training and professional development for chief student services officers. The association does not collect dues, but rather provides conferences and workshops which generate excess revenue of about $12,000 annually. The CCCCSSAA is governed by a Board of Directors which meets about six times per year, and which consists of 10 regionally-elected representatives and the officers of the organization. When this executive board meets with the Chancellor's Office representatives it becomes the Council of Chief Student Services Officers in the Consultation Process. Travel costs of members and officers of the CCCCSSAA are borne by their individual districts.

13. ACBO: The Association of Chief Business Officials was formally created in 1974 to represent the views of chief business officials before the Chancellor's Office and Board of Governors. The association does not collect dues, and does not have a formal operating budget. Instead, each district (or the member himself or herself) bears the cost of its officer's participation in ACBO activities. ACBO is governed by a Board of Directors which meets about six times per year, and which consists of the officers of the organization and 10 regionally-elected representatives. When this executive board meets with the Chancellor's Office representatives it becomes the Council of Chief Business Officers in the Consultation Process. Travel costs of members and officers of ACBO are borne by their individual districts.

As previously mentioned, six of the seven standing councils in the Consultation Process have been characterized as providing for the participation of "institutional" representatives:

The Executive Council
The Council of Chief Instructional Officers
The Council of Chief Student Services Officers
The Council of Chief Business Officers
The Council of the Academic Senate
The Council of Student Body Governments

When the actual formation and membership of these councils is analyzed, however, the distinction between "institutional" and "organizational" disappears.

In setting up the six "institutional" councils, the Chancellor's Office had to confront the fact that statewide organizations were already actively functioning in these areas. There was already a statewide chief executive officers organization (CEOCCC), there was already a statewide Academic Senate, there was already a statewide chief instructional officers association (CIOCCC), there was already a statewide chief student services officers association (CCCCSSAA), there was already a statewide chief business officers association (ACBO), and there was already a statewide student organization (Cal SACC). All of these associations had executive boards, usually based on regional configurations. Practically speaking, it was impossible to create an new and duplicate set of councils with their own separate organizational and communication structures. The only realistic alternative was to use the organizations that already existed.

By using these organizations, the Chancellor's Office recognized that, to a certain extent, the members of these councils would bring their respective organizational agendas and goals with them. Over time, it was expected that these members would take on a "system" perspective, and would not just reflect their organizational agendas.

Thus, excepting the participation of individual district governing boards, all of the participants in the Consultation Process come from community college organizations.

G. Summary

In the absence of systemwide leadership and coordination during the 1950's and 1960's, various community college organizations formed to fill the void and provide legislative advocacy and representation. The Board of Governors/Chancellor's Office was created as a State regulatory agency, and had to compete alongside of the existing statewide organizations to perform its role. Over time, the various organizations began to lobby the Board of Governors to influence it to accommodate organizational interests and concerns. The Board and Chancellor, behaving as a State regulatory agency, retained authorship and control of policy, choosing which input or influence it wanted to accept and which input or influence it wished to reject.

With AB 1725, all parties were called upon to make a radical transformation. The Board and Chancellor's Office were called upon to open up system policymaking to institutional and organizational representatives; and organizational representatives were called upon to shift their thinking and behavior from lobbying the Board/Chancellor's Office for organizational objectives to assisting the Board/Chancellor's Office to making policy which is in the best interests of students, the system, and the State. The extent to which this transformation has occurred has everything to do with whether the current systemwide shared governance mechanism is yielding results which serve the public interest. Chapter Four examines the system's success in making this transformation.

CHAPTER FOUR

AN ANALYSIS OF SHARED GOVERNANCE AT THE SYSTEMWIDE LEVEL

A. The Purpose and Value of Shared Governance at the Systemwide Level

Fundamentally, the practice of shared governance at the systemwide level is intended to improve the quality of decisions made by the Board of Governors and the Chancellor's Office in performing their roles. To provide leadership and direction for the colleges, the Board should be adopting and advocating policies which it believes best serve the needs of students, the system and the State. Participation by institutional and organizational representatives in a shared governance process (Consultation) assures that the Board and Chancellor's Office will do more than simply weigh the various comments and concerns of interested organizations and individuals. Instead, the philosophy of shared governance calls upon institutional and organizational representatives to assist in the development and review of policies adopted by the Board of Governors. In theory, a policy developed through shared governance will not only be a better policy, but will also be a policy that a greater number of affected constituencies can understand, accept, and implement.

For shared governance to enable the Board and Chancellor's Office to make and advocate better public policy, it is necessary for the participants to be committed to making policy which is in the best interests of students, the system and the State. If participants are solely or primarily focused on achieving personal or group self interest, the shared governance process will be little more than an arena for bartering interests and attempting to influence the Chancellor and his or her staff. On the other hand, if participants embrace the Board's role of making policy which best serves the interests of the students, the system, and the State, any consensus that emerges will be highly likely to serve these ends.

B. Strengths of the Current Structure

Perhaps the greatest strength of the current systemwide structure of shared governance is that it has broadened and formalized the participation of institutional and organizational representatives. Before Consultation, individual organizations and their representatives used whatever opportunities were available to lobby the Chancellor's staff and the Board of Governors. This lobbying was done sporadically, and often on a one-to-one basis. Thus, unless a district or organization constantly monitored the development of a particular policy, its content could change at any time. One could never rest. A group might convince the Chancellor or Chancellor's staff that a certain policy should be recommended to the Board; but another group, a few days later, might convince the Chancellor and staff to make some additional modifications. Finally, when an item got to the Board of Governors, one never knew what groups would show up to lobby it. At times, only groups dissatisfied with the recommendation showed up; and, hearing these voices, the Board would respond by adopting a different recommendation.

With Consultation there is more order in how policy is developed and recommended. The approach to developing each policy is discussed in the Executive Council and the Council of Organizations. Also, after a policy is developed, it is reviewed by the Executive Council to determine whether there is consensus that it should go to the Board of Governors. As a rule, the parties to the Consultation Process know the recommendation the Chancellor intends to make to the Board of Governors, and the Chancellor does in fact make such recommendations. Also, since 1989, there have only been about five occasions that the Board of Governors has rejected the Chancellor's recommendation and adopted a different recommendation without allowing for additional consultation.

A second strength of the current structure is that institutional and organizational representatives have a more formative role in developing policy. Before Consultation, the Chancellor and Chancellor's staff authored all items and determined which input to accept and which to reject. With Consultation, institutional and organizational representatives participate in the drafting of policies. At times, certain organizations actually handle the drafting and development of proposed policies, such as when the Academic Senate makes recommendations on the disciplines lists for the Board's minimum qualifications for faculty. With Consultation there are more occasions where policy development work is substantially done by institutional and organizational representatives. Chancellor's staff function more and more as key participants in these discussions, and less and less as the sole determiners of what goes in and what stays out of a given policy.

A third strength of the current structure is that policymaking for the system is more open, deliberate, and predictable. As previously described, before Consultation was implemented, one could never rest. Meetings between staff and an organizational group representative might occur at any time and any place; and other groups and interested parties didn't know what was discussed or how "facts" were presented. One was never sure about the actual policy that was being recommended to the Board of Governors until he or she read the Board's agenda a few days before the meeting. With Consultation, most contact between staff and organizational representatives takes place in open meetings. Participants are informed of staff's current thinking and they have an opportunity to help shape a consensus that staff must respond to. Participants have a greater opportunity to hear the views and lobbying points of others; and they have an opportunity to accept, rebut, or refine those views in the presence of the other interested parties. As a general rule, participants know well in advance the recommendations staff intends to make to the Board of Governors.

In addition to being more open and deliberate, policymaking is also more predictable. Prior to Consultation a great amount of policy development occurred in Board committees and meetings of the full Board. It was not uncommon for staff to work with various groups to develop a recommendation, only to have that recommendation turned on its ear by a Board committee or the full Board. Often the result turned on who showed up at committee or full Board meetings. Sometimes discussions between individual Board members and organizational representatives went into the night; and sometimes the Board arrived at new recommendations the following morning. With Consultation it is far more common for all of the concerned parties to know one another's views; it is also more common that the parties will have spent a considerable amount of time working with one another to reach consensus. Under these conditions, lobbying individual Board members, or lobbying the full Board and its committees, is seen as something to be done if the Consultation Process does not yield a result the organization or individual can support.

Finally, a fourth strength of the current structure is that the Community College system has been more unified in advocating its needs to the Legislature; and the Legislature has allowed the system to govern more of its own affairs. Under AB 1725, the Board of Governors not only represents the colleges before state and national, legislative and executive agencies; but also develops and recommends the proposed budget for the system. Using the Consultation Process, the Board annually engages the districts and the community college organizations in the development of the annual legislative plan as well as the annual budget. Usually there emerges a group of legislative proposals that are "sponsored" by the Board, and that most organizations accept and support. The same is true of the proposed budget for the system. At times, individual organizations sponsor additional legislation or recommend different funding priorities. These organizations have usually first sought to obtain acceptance and support of these proposals from the other organizations--either through the Consultation Process or through other means. In general, it is rare that a district or an organization sponsors legislation that it has not attempted to have discussed in Consultation. In addition, such legislation is rarely successful.

Individual legislators still propose a great variety of measures that would affect community colleges. However, the number of bills that actually become law, as well as the actual degree of legislative intrusion, has significantly decreased. While many trustees, administrators, and others are still concerned about legislative micro management, practically the only major change that has been forced upon the system since 1989 has been the increased student fees paid by baccalaureate (or higher) degree holders. The system clearly does not always get its way with the Governor and Legislature. On the other hand, the system has become more effective in preventing legislation that is opposed by the system and most of the organizations.

C. Weaknesses of the Current Structure

While the current structure for systemwide shared governance has significant strengths and has improved the nature and quality of systemwide governance, the structure has some weaknesses which hinder it in serving the public interest. Following are the key areas of these weaknesses:

1. Participants still tend to see the best interests of students, the system, and the State in terms of the agenda and positions of their particular organizations; thus, policymaking focuses on what organizations will support or tolerate rather than what the participants might otherwise develop if there were no organizational structures and allegiances: Compared to the State regulatory agency model, the Consultation Process has moved the participants to more of a "system" point of view in policymaking. While the organizations separately meet, and while most organizations have their own goals and objectives, their efforts are no longer focused on simply lobbying for their own interests. The Consultation Process has brought the organizations together in the context of helping the Chancellor's Office and Board establish policy for the system. While there are no requirements for organizations to operate from this perspective, the very fact that they are all in the room together means that they must confront and attempt to address one another's perspectives. In this setting the tendency to push organizational self interest is diminished and the tendency to embrace a "system" way of thinking is encouraged.

The Consultation Process thus provides a forum where groups can go beyond their own thinking and positions and come to embrace different proposals. At present, however, most organizations still evaluate these alternate proposals in terms of how they meet the perspectives of their constituency and organization. This result is understandable because most participants in Consultation must go back to their constituencies to convince them of the merits, secure their approval, or to otherwise be held answerable.

When one focuses on the composition and functioning of the respective organizations, it can be seen why the organizational point of view remains the predominant influence on the nature and extent of discussions within Consultation. When CEO's meet with CEO's, faculty meet with faculty, students meet with students, and union representatives meet with union representatives, each of these groups tend to develop strong and distinct commonalities of interest. Each constituency tends to develop its own perspectives and belief structures about what is right and wrong, and what needs to happen. Thus, when the community college organizations meet separately and regularly in order to prepare to participate in systemwide policymaking, the entirely predictable result is that each of the individual groups will develop positions or expectations that reflect its particular commonality of interest. The Consultation Process, then, is usually left to address the differences that exist among these positions and attempt to develop some sort of position that all or most groups can support or at least accept.

The current structure of the Consultation Process unfortunately tends to reinforce rather than harmonize these distinct commonalities of interest. The CEO's essentially have their own council (the Executive Council); the academic senate has its own council; the students have their own council; and the CSSO's, CBO's and CIO's have their own councils. The only council that more fully brings together the diverse commonalities of interest is the Council of Organizations.

Over time, the Council of Organizations has thus become the one forum where compromise and consensus can be forged. At times positions are so strongly held that participants on the Council of Organizations can only engage in speech-making and polemics. On other occasions the participants work together to develop positions that all or most organizations can support or at least accept. Typically, pieces or variations of the several separate positions are integrated into a single position. The range of acceptable alternatives is most often constrained by the organizational perspectives and positions of the respective organizations. The process has evolved to where the participants engage in a "system" perspective and attempt to develop a policy that is also acceptable to their particular group. However, the process has not evolved to the point where the participants regularly discuss and forge policy without regard to whether it is harmful or beneficial to their respective organizational interests.

2. The structure tends to promote "turf wars": Within the current structure there are multiple organizations that purport to represent the same constituency. Thus, administrators are represented by ACCCA and the CEOCCC; while faculty are represented by the Academic Senate, FACCC, and at least three union organizations.
In addition, the various councils or organizations grope for primary jurisdiction over certain issues. Following are common examples of these and other turf wars:

a. Academic Senate/FACCC/Union turf wars: The Academic Senate is to represent community college faculty on academic and professional matters, FACCC is the voice of community college faculty in the Legislature, and the various unions (CCA, CCC, CCCI) represent their locals on matters that affect faculty. To avoid turf wars and coordinate positions, these organizations have formed a "Council of Faculty Organizations" (COFO) which meets periodically. On a matter such as the full-time/part-time instructor ratio, all of these organizations have vital interests at stake, and all have adopted their own policies and positions. On other matters, the faculty organizations have agreed that the Academic Senate will take the lead because they are comfortable with classifying the issue as an academic and professional matter. At times, however, the organizations disagree about who should represent faculty. It is not uncommon for there to be disagreement about which organizations should appoint the faculty representatives that work on various committees or task forces. The Academic Senate views itself as the appropriate appointing authority for faculty; however, FACCC and the various unions also believe they too should be able to make appointments when the issue is not solely an academic or professional matter.

b. Turf wars among the councils: The jurisdiction of the respective councils has always been broadly stated. Generally speaking, every council has the authority to review any item it wishes; and every council has the authority to develop proposals for consideration by the other councils. At times a council ("Council X") becomes concerned that another council ("Council Y") is developing policy that Council X should be developing. Thus, for instance, the CBO's might be developing some proposed policy changes on program-based funding, and the Executive Council and the Council of Organizations might express concerns that changes in the community college funding mechanism should be discussed and determined in their councils.

A turf war also exists between the Executive Council and the Council of Organizations. The CEO's commonly believe that they represent the institutions, and that as such, the Executive Council should have the primary say in how items should be developed in Consultation and whether an item is ready to go to the Board of Governors. The Council of Organizations, however, believes that it is the one arena where all the diverse points of view can be heard, considered, and molded into a consensus recommendation. As such, the Council of Organizations should have the primary say in how items should be developed in Consultation and whether an item is ready to go to the Board of Governors.

c. Chancellor's Staff/Consultation Council turf wars: Councils tend to believe that if they work to achieve consensus in developing a recommended policy that the Chancellor's staff who work with the councils should be bound to support that recommendation to the Chancellor. Chancellor's staff, on the other hand, tend to believe that all advice in Consultation is *advisory,* and that in order to carry out their assigned responsibilities, they need to be able to accept or reject advice received in Consultation.

Chancellor's staff and Consultation councils also have turf wars on the authorship of proposals. At times the Council of Organizations recommends that working groups be put together with selected staff from the Chancellor's Office to develop a recommendation that can be considered by the full Council of Organizations. Members of the Council of Organizations tend to see the Chancellor's Office representatives as "scribes" to write up the consensus of discussions in which they participate but may not happen to agree upon in all particulars. Chancellor's staff tend to see themselves as responsible to lead discussion and secure consensus around a proposal that they personally can support.

With the Academic Senate, the expectation is that the Chancellor should turn the issue over to the Senate to develop a recommendation if the issue relates to an academic or professional matter. In this sense the Academic Senate would author the proposal and consider which input to incorporate or reject; then the completed proposal would be turned over to the Chancellor. Chancellor's staff are key participants in the discussion; however, the Academic Senate would control authorship of the proposal to the Chancellor. A recent example of this kind of turf war is the Community College system's response to the proposed new UC transfer eligibility requirements. The Academic Senate believes the System's response should be coordinated by the Senate; whereas the Chancellor's Office believes the issue of transfer eligibility goes beyond being an academic or professional matter, and thus should be addressed using the entire Consultation Process.

3. The structure tends not to facilitate communication and trust among all participants: With the exception of the Council of Organizations, most discussion in Consultation occurs within the separate organizations, each with their separate commonality of interest. Under this structure the belief systems and values of the individual organizations are more likely to be reinforced. The members of each of these organizations receive communications from their own particular organization. They spend most of their time discussing the issues in the context of their organization. Thus, communication and trust might be relatively high within a given organization; but there is relatively little opportunity to develop communication and trust between the organizations.

4. The structure tends to frustrate the expectations of participants: When these organizations separately meet, develop organizational beliefs, and pursue organizational goals, they cumulatively create an impossible set of expectations. It is not unreasonable for the Academic Senate to want play a role parallel to that of local senates and thus assume responsibility for developing policy on academic and professional matters. It is not unreasonable for the Chancellor's staff, the students, the instructional administrators, the chief executive officers and others to want to continue to play a vital role in the formulation of policy on academic and professional matters. It is not unreasonable for trustees, chief executive officers and administrators to resist further legislative intervention into local control, particularly in light of reduced operating budgets; and it is not unreasonable for these same parties to seek additional flexibility and relief from mandates so that they can better attend to improving student outcomes. It is not unreasonable for union organizations to want to improve the working conditions and salaries of employees they represent; and it is not unreasonable for unions to want to maintain the employment protections that exist in statute and regulation. It is not unreasonable that students should seek additional funding and support for their systemwide operation; and it is not unreasonable that most other organizations would resist diverting local assistance moneys to support such an operation. The diverse array of organizations generate an even more diverse and extensive set of expectations. Many of these expectations are mutually exclusive. And, fiscally, there are nowhere near enough resources in the system to address all of these expectations. The result is that many of these organizationally-generated expectations won't be met, and that participants will experience frustration and anger over the lack of progress.

5. Compared to the past, the structure tends to produce inaction or long-delayed action: In the State regulatory agency era, the Chancellor's Office and Board of Governors controlled the text of policies, decided what to incorporate and not to incorporate, and decided politically when the agency could act. In the shared governance era, consensus is the goal, and the Chancellor's Office and other parties work hard to develop policy that all or most groups can support or accept. The lack of consensus from one or two groups has often resulted in matters being taken off calendar for the Board of Governors. With additional time, the affected groups keep searching for alternatives or approaches that will satisfy the interests of the opposing groups. After exhausting all reasonable avenues, the Chancellor sometimes proceeds to the Board with recommendations that haven't achieved consensus or recommendations that are different from the consensus position. If there is no mandate to act, the Chancellor may decide not to proceed to the Board at all. All of these efforts clearly take more time than policy development under the State regulatory agency model.

While a return to the State regulatory agency model would denigrate shared governance and should be resisted, this does not mean the existing structure should not be examined in terms of how it produces delay or inaction. The separateness of the various organizations tends to produce "positions" that are difficult or impossible to reconcile in the Consultation Process. Inaction or delayed action is a highly predictable result when one considers that thirteen or more organizations only briefly come together to work out what often are deeply held convictions and positions.

6. The structure is costly to maintain: As previously discussed, there are at least thirteen organizations which participate actively as a part of the current structure of Consultation. Many of these organizations are financed by the dues paid by individual members; however, a considerable part of the structure is financed at public expense. The travel and conference expenses of CEO's, trustees, CIO's, CBO's, CSSO's, students, members of the Academic Senate, and members of ACCCA are all financed at public expense. In addition, operations of the Community College League of California and the Academic Senate are largely financed at public expense. Finally, the Chancellor's Office must commit a sizable part of its resources to staff and coordinate the seven standing councils and the many other aspects of Consultation. Given that most of the thirteen organizations have at least one annual conference, four to ten executive board meetings, and various committee meetings and workshops, the overall expense is considerable.

In fairness, the organizations do more than simply participate in shared governance. Many of the organizations provide professional development activities that help their members do their jobs better. In addition, many of the organizations assist with the implementation of new laws and policies. They develop models or procedures that districts or colleges can apply to implement new responsibilities; and they put on workshops to educate their members about new requirements. Finally, the organizations provide a means by which members can discuss issues they face on a day-to-day basis and thus help each other solve problems.

7. The structure tends to make the system less responsive to change: With the exception of system policies required by AB 1725 or subsequent legislation, the system has been slow to make major change on its own initiative. During the last five years the Board of Governors has adopted a number of very significant policy changes. Most of these changes were directly required by AB 1725 (such as affirmative action plans and regulations; full-time/part-time instructor ratios; program-based funding mechanisms; minimum qualifications for faculty and administrators; and minimum standards to enable faculty, staff and students to participate effectively in district and college governance) or by subsequent legislation (such as the differential fee for baccalaureate holders). Two significant changes initiated from within the system relate to student equity planning and distance learning. These initiatives were moribund for long periods of time, each taking some two or three years to develop. Other initiatives have been proposed and withdrawn, including a proposal that would provide districts relief from various mandates (statutes and regulations) so that they could improve student outcomes. Initiatives recommended by outside parties, such as the Commission on Innovation, have been slow to even be discussed, much less implemented.

This lack of responsiveness to change is understandable. As previously discussed, an ineluctable tendency of any organization is that it will protect self interest. With the current structure of thirteen or more organizations, the particular interests of the various organizations and the individual districts are always in the forefront, and it is very difficult to engage a discussion of the overall institutional interest outside of the context of these organizational interests. Whenever the Board of Governors or Chancellor's Office has considered a major change, it has almost always been the case that one or more of the shared governance groups is threatened by that change. Often, the threatened organizations have exercised political muscle to block or thwart change.

8. The structure has tended to split and politicize the Board of Governors: As a State regulatory agency, the Board of Governors had a long history of responding to political pressure and lobbying. During the late 1970's and early 1980's, the Board and its committees were very active in policymaking, and members were directly lobbied both at meetings and in private. With shared governance, the intent was for more policy development to occur through institutional and organizational representatives working with Chancellor's Office staff. The Consultation Process assists and advises the Chancellor in developing proposals to be presented to the Board of Governors. In this shared governance framework the Board is somewhat more removed from the detailed policy development. The Chancellor is actively involved with a great variety of constituencies in developing policies that the Chancellor can recommend and all or most constituencies can support or accept.

In the context of Consultation the only time the Board becomes engaged in direct policymaking is when consensus has not been reached, when the Chancellor decides to recommend something different than the consensus recommendation, or when the Board does not agree with the Chancellor's recommendation. Thus, the Board only tends to engage and hear about the most troublesome and controversial of items.

In the State regulatory agency era, most Board members were regularly lobbied by a broad variety of organizations, and through their committee and Board meetings they directly heard many of the points of view and positions the Chancellor and staff now hear as part of the Consultation Process. In the era of Consultation, Board members are lobbied differently. Because most of the policy development work has been moved out of the Board's structures and into the structures of Consultation, it is more common for organizations to complain about things that are not going right in Consultation. Thus, complaints about staff's unwillingness to listen, staff's incompetence, or the unfairness of the process are more likely to be raised.

In the context of Consultation, the Board does not hear from all parties directly and regularly. Board members usually just hear about problems. Some organizations, however, have recognized that Board members are being lobbied less by others and have increased their own efforts. Through this lobbying, Board members can be used as a means to put more pressure on the Chancellor and staff to address concerns of the organization being discussed in Consultation. Since Board members are no longer in the middle of policy development, and since they are no longer regularly lobbied by a broad variety of organizations, they tend to be more susceptible to contacts by individual organizations.

In addition, given that the current shared governance structure tends to promote turf wars, given that it tends to frustrate the expectations of participants, given that it does not facilitate trust, and given that it is not particularly responsive to change, the Board of Governors cannot help but be affected. Two camps have tended to form. One camp tends to want to support the Chancellor and staff, hold them accountable to perform their roles, avoid micro management, and ensure that meaningful change is confronted within the system. A second camp tends to want to more directly respond to the concerns of organizations, be more directly involved directing the activities of the Chancellor and Chancellor's staff, and be more directly involved in setting policy (such as the Board was in the State regulatory agency era).

D. Summary

The practice of shared governance at the systemwide level is intended to improve the quality of decisions made by the Board of Governors in carrying out its roles of providing leadership and direction for the system. The current structure of shared governance, one still dominated by organizations, is an improvement over the previous structure where a State regulatory agency was sporadically lobbied by individual organizations. With Consultation, participation in policymaking is more broad-based; is more open, deliberate and formal; is more formative in terms of the roles that organizations and institutions can play; and is more effective in enabling the system to govern its affairs without legislative intervention. Still, there are weaknesses in the structure that hinder it in yielding recommendations which best serve the public interest. The many organizations with their separate commonalities of interest tend to cause participants to see the best interests of the students, the system and the state in terms of the agenda of their particular organizations. In addition, the structure tends to promote turf wars, frustrate the expectations of participants, and be less responsive to change--while at the same time being costly to maintain. Clearly, the next stage of evolution is to create an opportunity and environment for these multiple parties to work together in a common forum--a forum where collegiality and consensus is the goal, and a forum where the parties come together for the purpose of serving the best interests of the students, the system, and the State. The recommendations in Chapter Five are offered to facilitate this evolution.

CHAPTER FIVE

RECOMMENDATIONS FOR IMPROVING SHARED GOVERNANCE TO BETTER SERVE THE PUBLIC INTEREST

At both the local and systemwide levels, community college shared governance practices are characterized by a large number of separate organizational interests that interact with governing boards and their administrative staffs. Empowering these interests to participate has improved the quality of decision making over what previously existed. At the same time, the cumulative impact of this multiplicity of separate interests creates negative tendencies or weaknesses that not only can lead to dysfunctionality, but also can impair efforts to focus on serving the greater public interest.

We all know that the people of our state need the most responsive community college system possible. We all know that our colleges must play a pivotal role in helping California become a successful multicultural democracy, and that we must play a pivotal role in helping restructure and restore California's economy. What we must additionally recognize is that our existing shared governance mechanisms aren't enabling us as institutions and a system to focus our primary energy and attention on these challenges. We can do better; and to do so we must act upon a professional and ethical duty to evolve our shared governance mechanisms to enable us, together, to focus on the larger public interest.

Recommendations for evolving our shared governance practices to new and higher levels fall into seven areas:

A. Institute a Code of Ethics to Guide Behavior of Participants

Within the system of the California Community Colleges there are over 70,000 individuals who play important roles in fulfilling the mission of the colleges and participating in its governance at the local and systemwide levels. These individuals consist of faculty, classified staff, administrators, trustees, student leaders, Chancellor's Office staff, and members of the Board of Governors. Each of us, as professionals and as public officials, has a duty to serve the public interest that is separate and apart from any duty we might have because of an organizational responsibility or affiliation. In addition, the way we conduct ourselves as individuals can have an enormous impact on the nature and quality of our shared governance practices.

In order to assure that each of us is more conscious of this professional responsibility to serve the public interest, and in order that we might establish some rules of ethical behavior to guide our actions, all individuals who participate in shared governance should be asked to subscribe to a "Code of Ethics."

Key components of a "Code of Ethics" (a complete proposal for a Code of Ethics for participants in shared governance is set forth in Appendix A) should include the following:

--affirming a deep commitment to the students and mission of community colleges,
--placing the highest value on serving the best interests of students,
--recognizing that commitment must come from everyone, at all levels,
--recognizing that we are mutually dependent upon one another to succeed,
--affirming the value of all participants, and valuing the perspectives of others,
--being honest, open, candid, tolerant, and trustful,
--refraining from authoritarian behavior,
--guarding against tendencies towards organizational or personal self interest,
--attempting to resolve conflict within the shared governance framework rather than resorting to external dispute resolution mechanisms,
--being mindful of the time and resources used for shared governance, and
--affirming a commitment to build trust and communication.

B. Emphasize Multi-Party Councils

If we are to elevate our shared governance practices to a higher level we must create a mechanism that brings the various separate organizations together on a frequent and meaningful basis. The representatives of organizations within these multi-party councils have to establish communication, trust, and working relationships with one another. At first, these multi-party councils will probably concentrate their energies on resolving differences among the views and positions of their respective organizations; over time these multi-party councils should be encouraged to develop an "institutional" mindset that can, in turn, influence the separate organizations.

At the local level, colleges and districts should place major emphasis on the "multi-party" council, so that these councils become the primary place where policy is discussed, reviewed, and formulated. Essential participants should include the academic senate, student leaders, exclusive representatives for faculty and classified employees, and classified senates. All policy development work and important governance activities that are referred to organizations or committees within the college should come through the multi-party council before being taken to the board. Recommendations of a multi-party council should be made to the chief executive officer and should carry great weight; however, they should not be legally binding. If the chief executive officer decides that he or she cannot follow the recommendation of the multi-party council, then before going to the board he or she should meet with the council and discuss his or her reasons. Over time, members of the multi-party council should be encouraged to see themselves less as representatives of organizational interests, and more as a group that guides the college and district in best fulfilling the institutional mission.

At the systemwide level, the Consultation Process should be streamlined into a single multi-party council that combines institutional and organizational representatives of the seven existing councils. All policy development work by the Chancellor's Office, as well as all policy development work and important governance activities that are referred to the various organizations, should come through the multi-party council before being taken to the Board of Governors. Recommendations of the multi-party council should be made to the Chancellor and should carry great weight; however, they should not be legally binding. If the Chancellor decides that he or she cannot follow the recommendation of the multi-party council, then before going to the Board he or she should meet with the council and discuss his or her reasons. Over time, members of the multi-party council should be encouraged to see themselves less as representatives of organizational interests, and more as a group that assists the system to make policy which best fulfills overall mission of the California Community Colleges.

C. Mitigate Negative Tendencies of Bilateral and Legalistic Empowerment

By creating structures that empower two parties to decide certain policies or actions, we have disempowered all other parties who legitimately ought to have a say in the decision. When two parties collectively bargain the result affects everyone because it creates an expenditure of district resources. Or, when an academic and professional matter is decided by the mutual agreement of the academic senate and administration, a constituency (students) that is directly affected by the action is essentially shut out.

In addition, bilateral empowerment is flawed in terms of legal accountability--in that we cannot expect to hold a district accountable for an action or inaction it only partially controls.

One need not wipe out these bilateral and legalistic mechanisms to address these problems, however. Instead, we should concentrate on making changes that mitigate the negative tendencies of these mechanisms while preserving all of their legitimate aspects.

1. Collective Bargaining: Statutes on collective bargaining should be amended to require the bargaining process to be: a) opened up locally, and b) subject to review at the systemwide level. The impact of collective bargaining agreements is on the entire district and its colleges, and all shared governance constituencies should be enabled to be part of the process. It is not enough that bargaining proposals are sunshined to the public; instead, the campus constituencies need to be able to review and influence these proposals throughout the process. While the eventual agreement should remain bilateral (exclusive representative and governing board), all of the campus constituencies (student government, classified employees, academic senate, etc.) should be allowed to observe and participate in collective bargaining discussions. Ideally, the exclusive representatives could bring their proposals to the multi-party council in the context of annual budget development discussions. This would allow the proposals to be discussed in light of other budget priorities.

Since Proposition 13 (1978), districts have almost no ability to create the additional revenue they might need to fund a collective bargaining agreement. When the State doesn't give districts any more money, the only way a salary or benefit increase can be funded is to take the revenue from somewhere else in the budget. When a salary increase comes at the expense of reduced access or threatens the district fiscally, these actions run counter to the mission of the colleges. Thus, until districts are given back some measure of control to create additional revenue, collective bargaining agreements should be subject to some level of systemwide review to ensure that they will not place a district in fiscal distress or have the effect of unduly restricting access.

2. Academic Senates: One way to address the "we/they" attitudes that exist between many administrations and academic senates is to make them part of the same team. In the University of California the Academic Senate consists not only of the faculty, but also the President, Vice President, Chancellors, Vice Chancellors, Deans, Provosts, Directors of academic programs, admissions officers, registrars, and campus librarians (Standing Order 105.1). Regulations of the Board of Governors should be amended to authorize faculty to expand membership in local academic senates to include educational administrators and other mid-managers that are commonly involved in academic and professional matters. The Board of Governors should both encourage and monitor the success of this option.

A second step to address the negative tendencies of bilateral and legalistic empowerment is that statutes and regulations which require mutual agreement between the governing board and academic senate should be revised to indicate the academic senate will be relied upon to recommend policy on academic and professional matters. In this manner the academic senate (hopefully an expanded senate) would take the lead in developing policy on such matters, and the progress and results of its work would be reviewed in the multi-party council.

The legalistic provisions of current regulations that require mutual agreement and address when a board can act without mutual agreement, or when a board can decide not to "rely primarily" on the advice and judgment of the academic senate, should be deleted. If these provisions are not deleted, the Board of Governors should be given clear statutory authority to regulate academic senates, including the power to investigate and the power to require senates to perform duly delegated responsibilities.

At the systemwide level, the Academic Senate should open up its processes and/or membership to afford participation to administrators (including Chancellor's Office administrators), students, and other statewide organizations. Policies of the Board of Governors, including the policy on Consultation, should clearly state that the Academic Senate will be relied upon to recommend policy on academic and professional matters. In this manner, the Academic Senate can take the lead in developing policy on such matters, and the progress and results of its work would be reviewed in the new, multi-party Consultation Council.

D. Give Districts Authority to Create Additional Revenue

Proposition 13 (1978) was probably the single most disempowering event of the twentieth century for school and community college districts. It not only disempowered districts from being able to deliver their comprehensive mission; it also disempowered them from being able to meet the legitimate expectations of their shared governance constituencies. The State must recognize its choices: it must either give districts some additional means of meeting the State's expectations (the current mission and statutory requirements), or it must reduce expectations (narrow the mission and statutory requirements). In the opinion of the author, the latter alternative is clearly not in the best interest of the State.

Accordingly, the Constitution and/or statutes should be amended to enable local districts, with a majority vote (or perhaps a three-fifths vote) of the local electorate, to levy a limited tax which would produce general fund revenue in excess of what State computational formulas would otherwise provide.

E. Monitor and Attempt to Reduce Costs of Shared Governance

Shared governance is necessarily a labor-intensive and time-consuming activity. However, the way in which it is currently practiced--using multiple organizations which function separately--may be unduly labor-intensive and time-consuming. We must recognize that for every hour and dollar we expend on shared governance, we have one less hour and dollar to expend on the direct delivery of services to students. We must also recognize, however, that a cost-cutting mentality cannot be allowed to destroy shared governance. A careful, measured, approach to cost reduction is therefore appropriate.

District governing boards and the Board of Governors should develop methods for measuring the costs of shared governance. The multi-party councils at the district/college level, and the multi-party Consultation Council at the systemwide level should be directly involved in helping determine the measures. Over time, the multi-party councils should also be asked to develop methods for reducing the costs of shared governance.

F. Focus Role of Governing Boards in Reviewing Recommendations Coming From Shared Governance Structures

In the current structure of shared governance, governing boards tend to feel they no longer have a role. After all, much of the policy development work is occurring in shared governance committees, and governing boards only seem to be around to bless the results.

In reality, governing boards still play a very critical role--a role that is indispensable to any structure of shared governance. Given the ineluctable tendency of shared governance constituencies to protect self-interest and the status quo, governing boards are the guardians of the public interest. The governing board plays a critical role in evaluating whether the recommendations developed through shared governance are in the best interests of the students, the system, and the State. This is not to say that all shared governance recommendations are immediately suspect and flawed; rather, it is to say that all recommendations will be reviewed against the standard of serving the public interest. Indeed, the local governing board is accountable to the general public, the Board of Governors, and the State to ensure that the public interest is served; and the Board of Governors is similarly accountable to the State and to the districts.

As governing boards attempt to keep their focus on ensuring that policy and action is in the public interest, they must resist another temptation. Governing boards tend to become embroiled in the controversies that exist between the various organizational interests and the administration. They also tend to become embroiled in the controversies that exist among the organizations. Once they become so embroiled, they jeopardize their capacity to focus on the larger public interest. As much as possible governing boards need to be above the fray, not caught up in it.

Accordingly, in order to evolve the structure of shared governance, governing boards should concentrate their energies on evaluating and ensuring that policy recommendations emerging from shared governance structures do in fact serve the greater public interest they have been entrusted to carry out.

G. Restructure the Chancellor's Office and the Consultation Process

In the decade since the Board of Governors called for the community colleges to function as a system, the Chancellor's Office still has tendencies to function as a State regulatory agency. Consultation has opened up policy-development processes and allowed for more participation of institutional and organization representatives; but a "we/they" attitude still persists. The resistance within the Chancellor's Office to allowing for the more formative involvement of organizational representatives has it roots in the ambiguity regarding their motives: are organizational representatives still trying to lobby the ends of their constituency, or are they attempting to help the Chancellor's Office and Board develop the best possible public policy?

The time has come for the Chancellor's Office to trust and expect the latter. With all participants in Consultation embracing a common "Code of Ethics"; and with the Consultation process being streamlined into a single, multi-party council; the time has come to embrace the participation of institutional and organizational representatives. To this end, a major restructuring of the Chancellor's Office is in order.

The Chancellor's Office should be restructured so that the Consultation Process and districts are more heavily relied upon to assist with policy development and systemwide functioning. Rather than expand the bureaucracy at the systemwide level, the systemwide office should function as a nerve center--a coordinating agency that relies on expertise that exists in the colleges as well as the organizations to get important work done. Key institutional leaders such as the Academic Senate President, the President of student associations (Cal SACC), and the President of the Chief Executive Officers, should be part of the policy development team of the Chancellor's Office. To accomplish this restructuring, the budget for the Chancellor's Office should be augmented (not with additional staff, but with resources) to enable the system to develop policy or provide systemwide functions through the use of expertise that exists within the colleges or the Consultation Process.

H. Summary

Evolving our shared governance practices in the manner described above will be difficult and cannot occur absent a renewed commitment by each of us. As individuals, we must accept the professional and ethical responsibility to raise the level of shared governance in our colleges and the system. We must evolve a structure that creates an opportunity and environment for our multiple parties to work together in a common forum--a forum where collegiality and consensus is the goal, and a forum where the primary focus of all parties is on serving the needs of students, the system, and the State. We must recognize that the individual organizations to which we belong will probably feel threatened by this change and will probably resist. But this effort is not about destroying or dismantling our organizations; it is about *changing* them so that all of us, together, can better focus on serving the larger public interest. Let us hope, for the sake of our State and its people, that we're up to the task.

A Proposed Code of Ethics for Participants in Shared Governance

(by Tom Nussbaum, November, 1991)

Preface

> *"The California Community Colleges face an unprecedented challenge in the coming two decades, as California undergoes a major demographic, social and economic transformation. The community colleges are at the center of this change, and the state's future as a healthy and free, diverse, and creative society depends in major part upon the commitments expressed through and in the community colleges.*
>
> *The community colleges educate hundreds of thousands of Californians each year, are the route to higher education for the majority of our people, provide access to language and citizenship for tens of thousands of immigrants annually, retrain workers in an economy changing more rapidly than any in history, and are the last hope for older citizens seeking skills and involvement in their communities. To do these things well, to bring excitement and power into the lives of students so diverse and needing so much, to serve the economy and society through its service of these students, requires a deep commitment from all who teach and learn, from those who administer and counsel, from those who fund and regulate."* (AB 1725, Section 1, intent language)

In enacting AB 1725, the Legislature clearly recognized that our community colleges will play a major role in the state's future, and to successfully fulfill this role will require the commitment of each of us.

In enacting AB 1725, the Legislature also called upon us to strengthen shared governance so that we can bring our collective wisdom and experience to bear on the important decisions that we must make. Through mechanisms of shared governance, the knowledge and experience of committed individuals and organizations will be molded into better decisions than any of us could have made alone. In addition, because of our involvement, there is a greater likelihood that we will understand, embrace, and faithfully execute these jointly-developed decisions.

During the past few years we have devoted major energy towards defining the shared governance roles of faculty, staff, students, local governing boards, the systemwide consultation process, the Chancellor's Office, and the Board of Governors. Empowering these various constituencies vis-a-vis our governing boards and vis-a-vis one another has been a complex, emotional, and all-consuming task. It has diverted our attention from the correlative needs to focus on why we are practicing shared governance at all, and how we, as individuals, should comport ourselves in this practice. Towards this end, it is appropriate that each individual within the California Community Colleges should reaffirm his or her personal commitment to our students and our mission by subscribing to a common code of personal conduct.

The Community College Credo

1. I reaffirm my deep and personal commitment to the students who attend our community colleges and to the mission we are asked to fulfill. In meeting this commitment, my highest value and foremost consideration will be devoted to serving the best interests of students by providing the best possible programs and services in our colleges.

2. I recognize that if our community colleges are to successfully serve the best interests of students and assist our state in becoming more healthy, free, diverse, and creative, that my contribution alone will not enable it to happen. I recognize that the commitment must come from everyone, at all levels, and that we are mutually dependent upon one another to perform our respective roles with excellence. The Board of Governors, Chancellor, Chancellor's staff, district governing boards, chief executive officers, administrators, faculty, support staff, and most importantly, students all play critical roles; none of us alone can make it happen.

3. I reaffirm that each of us who fulfills a role also has value because of the knowledge and experience we contribute to making enlightened decisions. I thereby commit myself to work with my colleagues, to value their perspectives in searching out the best answer, using the best reasoning and most accurate information possible. Rather than dwelling on who has, or should have, the legal authority to make a decision, my primary focus will always be making the best decision.

4. In practicing shared governance, I will be honest, open, candid, tolerant, and trustful; and I will expect and cultivate the same behavior from all others in the process. I will place a high value on building communication and trust. In so doing, I will refrain from words or behavior that either personally demeans another participant, or discounts his or her contribution or legitimate role. If I believe that another participant has broken a trust, been dishonest, or has otherwise behaved inappropriately, I will first attempt to address my concerns with that person privately.

5. In practicing shared governance, there will be occasions that I, or the group of which I am a part, has the legal.power to make the decision. In such instances, I will refrain from making such decisions in a unilateral and authoritarian manner. Instead, before I make the decision, I will attempt to understand and incorporate the reasoning and perspectives of others who should be involved in the decision, and I will attempt to lead consensus about or agreement with the decision. If, after these efforts, I conclude that consensus cannot reasonably be reached, or if I conclude that I cannot accept a consensus recommendation, I will meet with the affected parties to discuss my intended decision and the reasons for making it.

6. In practicing shared governance, there will be occasions that I, or the group of which I am a part, does not have the legal power to make the decision; instead, there will be a right to participate in the decision, or to be relied upon in its making. In such instances, I will respect the ultimate legal authority of another person or body to make

the decision, so long as there has been an attempt to understand and incorporate the reasoning and perspectives of the various parties of interest, and so long as there has been a good faith attempt to gain consensus about the decision.

7. In practicing shared governance, I will guard against tendencies of institutional, group, and personal self interest that can divert the focus from making the best decision. When the focus is on accommodating the interests of the various groups that participate in shared governance, the result will predictably be one that meets the interests of the respective participants. The result, however, may not be the best decision for students, particularly if the concerns and interests of those external to the process have not been addressed. Consequently, when I participate in making a decision, I will first be concerned with meeting the best interests of students; then I will be concerned with the interests of the other participants in the process and the interests of the group I represent.

8. In practicing shared governance, I recognize that conflict and disagreement is inevitable. Indeed, the more decisions that are made through shared governance mechanisms, the greater the likelihood that there will be differences of opinion. As a direct consequence of shared governance, we have empowered ourselves with the responsibility to decide difficult issues. The challenge is to resolve conflict, or at least bring it to closure, within the shared governance framework. To export the disagreement and decision to an external body is to disempower our shared governance mechanisms from resolving the issue. Consequently, absent a full attempt to resolve conflict within the shared governance framework, I will not resort to, or threaten to resort to, an external dispute resolution mechanism.

9. In practicing shared governance, I will be mindful of that these processes take time and money. For every hour of time and dollar of money we devote to shared governance mechanisms, we have one less hour and one less dollar to spend on other priorities such as direct instruction and services to students. While it is imperative to the success of our students and our mission that shared governance mechanisms be afforded the necessary time and resources to function effectively, I recognize the need to consider these commitments of time and resources against our fundamental role of providing direct instruction and services to students.

10. Finally, in practicing shared governance, I reaffirm my ongoing commitment to improve our processes and interactions with one another. Establishing trust and communication take time and commitment. These essential conditions must be nurtured and evolved; neither can be mandated, and neither can happen overnight. I recognize also that communication and trust are fragile and easily broken. Once broken, repair becomes even more difficult. Once broken, our capacity to make the best decision is seriously weakened. I therefore reaffirm my responsibility to lead the development of trust and communication, knowing that these conditions are at the heart of our mutual and deep commitment to meeting the needs of the students and mission we serve.